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Canada Royal Commission on
employment of firemen on
diesel locomotives in freight
and yard service on the
Canadian Pacific railway

Proceedings

1957 no 28-30



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A
ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY

15
28-30

PROCEEDINGS



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VOLUME: 28

E. L. FEATHERSTON
SHORTHAND REPORTER
241 MANOR AVENUE
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OTTAWA, CANADA

Press.

- A -

ERRATA

Please make the following corrections in
the volume and on the pages indicated.

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
<u>Volume 16</u>			
✓ 2093	3	freight shed director	freight shed trucker
✓ 2094	2	when you were	then you were
✓ 2096	19	and east Montreal	and east of Montreal
✓ 2104	12	or connecting signals	or communicating signals
✓ 2122	3	control turret	control territory
✓ 2125	26	station direction	station protection
✓ 2126	5-6	track or a station to	track or to
✓ 2128	16	8.9 after the two	8.9 between the two
✓ 2129	22	green but would	green and would
✓ 2131	10	westward at Gurney	eastward at Gurney
✓ 2132	3	as he stopped in	as he set
✓ 2134	20	might sit in	might head in
✓ 213 89	19	having peddler cars	having peddler cars
✓ 2143	2	which they often are	which they sometimes are
✓ 2143	4	there are trains	there are cars
✓ 2150	20	registry in the station	register in the station
✓ 2150	22	train registry	train register
✓ 2157	21	1964	964
✓ 2158	5	engine 9569	engine 8569
✓ 2159	6	his station time	his schedule time
✓ 2163	9	wait to hold the	wait to help the

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
<u>Volume 16 cont'd.</u>			
✓ 2163	11	late we saw we / could get	late he saw he could give
✓ 2163	12	without pulling second	without delaying second
✓ 2163	19	and what ever trains	and what other trains
✓ 2165	17	and that is 12 feet for each pound of	and that is one per cent for each thousand pounds of
✓ 2169	9	it was knocked open	it was kept open

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
<u>Volume 17</u>			
✓ 2197	19	they were operating were	they are operating are
✓ 2197	20	they ran	they run
✓ 2198	13	St. Luc yard main- tenance	St. Luc yard freight main- tenance
✓ 2198	17	have 12 divisions	have 32 divisions
✓ 2199	9	from Laggan	from Calgary
✓ 2201	23	There is clarifi- cation	There is a qualification
✓ 2226	14	provide block pro- tection	provide flag pro- tection
✓ 2229	8	forces required on track	forces repairing track
✓ 2232	26	the right	the left
✓ 2240	20	automatic flag block	automatic block
✓ 2242	7	protection in each	grade in each
✓ 2247	1	instructions	inspections
✓ 2253	18	made a fuel inspection	made a visual inspection
✓ 2259	16	and he	and we
✓ 2260	12	but at that speed	but above that speed
✓ 2260	13	see the road gear	see the running gear
✓ 2263	4	There was a snow storm	There was a ground storm
✓ 2263	18	to observe all train order signals	to observe the train order signals
✓ 2263	28	The train was not so visible	The train order signal was not visible
✓ 2269	8	and it took to the siding	and it took the siding

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
<u>Volume 17 cont'd.</u>			
✓ 2272	10	were given by the engineman	were given to the engineman
✓ 2274	3	leaving MacTier, Essa and Ypres	leaving MacTier and at Essa and Ypres
2274	9	looked back and the	looked back when the
✓ 2282	13	back to Almonte	back to Medonte
✓ 2283	7	got over there or the	got over there from the
✓ 2283	8	the train had and they set the	the train and they had set the
✓ 2284	21	that the switch could be	that the switch should be
✓ 2284	22	on the switch could be	on the switch would be
✓ 2289	25	No, if one	If no one
✓ 2290	2	There was an order	There was an exhibit

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
<u>Volume 18</u>			
✓ 2304	14	signals by switch crews	signals by train crews
✓ 2307	9	lesson of pre- venting a movement	lesson by preventing the movement
✓ 2319	5	Mr. Fraine	Q. Mr. Fraine
✓ 2319	13	If today	Q. If today
✓ 2319	23	Do the road	Q. Do the road
✓ 2324	19	the units had come	the units had gone
✓ 2326	5	engine was due	train was due
✓ 2326	7	of their condition	of the conditions
J 2327	15	could not reduce	could not produce
J 2329	6	on his road	on his load
J 2332	20	they would be 337	they would average 377
J 2342	14	formula made by	formula used by
J 2343	6	a train stopper to clear out the	a train stopped to clear of the
✓ 2350	12	your opinion be of	your opinion be or
/ 2368	13	train parties are	train programs are

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
<u>Volume No. 24</u>			
✓ 3161	11	Western	Weston
✓ 3164	8	road	rode
✓ 3167	9	operative	comparative
✓ 3170	22	insert "engine" after "internal combustion"	
✓ 3171	19	by General Motors from General Motors	
J 3177	24	insert "the motor connections" after "to change"	
✓ 3179	25	100	1000
✓ 3182	20	unit with	unit when
	22	eliminate "which"	
✓ 3184	19	is effected	is affected
✓ 3189	13	of 2,000th	of two one thousandths
✓ 3192	14	there is	that is
✓ 3193	10	and then you set	until you get the
	11	the brush pressure up	oil pressure up
J 3194	18	would delay	would dirt
J 3195	5	has	had
J 3200	19	engine as was	engine as is
	29	Fields	Field
3200 3201	✓ 30 } ✓ 1 }	the proportion of heating should operate leave	the absorption of heat could operate left
	46		
	49		
✓ 23		if you approach	if when ascending
✓ 24		the grade of a	the grade of a
✓ 25		hill you would	hill you receive
		receive a hot	a hot engine
		engine alarm.	alarm you can
		You can	
J 3202	7	to circulate through	to circulate water through
	25	compressed onto	energized and a
	27	closing	controlling
J 3203	7-3	point depending	point required depending

<u>Page</u>	<u>Line</u>	Now reads	Should read
<u>Volume 24 cont'd.</u>			
J 3204	5	next siding if you were	next siding.
J	15	Fairbanks Morse, they can	If you were Fairbanks Morse can
J 3205	14	head engine	hot engine
✓ 3207	8	donnage	tonnage
✓	27	gradein	grade of
✓ 3209	3	trips and	eliminate "and"
✓	11	unload and	operate and
✓ 3210	3	the ball governor	the flyball
— 3211	20	require	governor
✓ 3215	16	of heating	requires ?
✓ 3217	4-5	separate from	of overheating
J	15	will not move	separate to
✓ 3221	4	atomize and	will move
✓		vaporize	atomize or
✓ 3223	23	relay or some	vaporize
J 3232	8	on the Slocan	relay being
J	8	divisions of	blocked or some
J 3233	20	removed	on the Laggan
J 3239	10	of the switch at	divisions in
J		which	moved
J 3240	17	we have some 1000	of the terminal
J			at which
J 3241	1	engineman would not be	we have some
J			1000 H.P.
✓ 3243	8	to a locomotive	engineman would be
J 3248	8	until he arrived	to a diesel
J 3255	9	also the dilution	locomotive
J	27-28	to forecast things	until it arrived
J	29	500	also for dilution
J 3256	10	that is done is noted	to forecast to us
J			5000
J 3257	8	on a basis	that is done being
J	11	that 240,000 miles	noted
J		a locomotive	on the basis
J 3258	9-10	felt that the oil	the 240,000 mile
J			inspection a locomotive
J			felt that as the oil

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
<u>Volume 25</u>			
✓ 3263	24	sent in the shop	sent to the shop
✓ 3271	8	and prevents	and prevent
✓ 3274	15	and pump it into	and dump it into
✓ 3278	2	exchanges	exchangers
✓ 3283	15	and even agreed	and all agreed
✓ 3287	10	they objected	they subjected
3291	18	fireman of work done	foreman of work done
✓ 3296	14	No	Yes
✓ 3297	11	grind	grit
	29	work in enginemens	work by enginemens
✓ 3298	10	rather than not having	rather than having
3207 3307	1	to the locomotive point	to the locomotive repair point
3319	23	and balancing pressure	and balance of pressure
3325	8	thing brakes	thing breaks
✓ 3326	13	called aircharging	called yard charging
3327	2	with pumping becoming	with humping becoming
3342	27	throttles as they have	throttles such as they have
✓ 3348	5-6	any concentrate	any condensate
✓ 3349	11	instruct them into	instruct them in
3352	14	from applying on the trainman. The engines which consists of	from applying on the engine which consists of
	20	the train brakes, and the	the train brakes from the
3356	3	has he not had	has he had
3367	22	openings the box	openings, the air box

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
<u>Volume 25 cont'd.</u>			
✓ 3368	13	condemned	condemning
/ 3372	1	always explains	always explained
; 3373	3	locomotives	locomotive
/ 3374	8	that engine if you	the engine or if you
	11	a wheel seize for which	a wheel seizure of which
✓ 3377	27	their tool bags	their tool boxes
/ 3384	9	the unit was	the locomotive was
✓ 3384	15-16	chief instructor on	General Inspector of
3387	24- 25	suspension bearing boxes in the gear case	has running gear lubrication, in the suspension bearing boxes and in the gear case
/ 3396	9	will take his	will make his
/ 3405	8	engine to quite	engine to another quite
j	11	joins	joints
3409	13	the contact	the contactors

I N D E X

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LOOMIS, Daniel P.	
Exam. by Mr. Sinclair	3761
Exam. by Mr. Lewis	3835
KILEY, John P.	
Exam. by Mr. Sinclair	3920
LAWRENCE, Lester S.	
Exam. by Mr. Sinclair	3976

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148B - Ballot, Locomotive Firemen, Boston & Maine	3758
148C - Bulletin, Aug. 1-36, Firemen	3758
128C - Notebook, Mr. Youngs, Feb. 1-Mar. 5-57	3759
128D - Notebook, Mr. Youngs, Mar. 6-57 ...	3759
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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Monday, April 15,
1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship,	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C., C.J.A. Hughes, Q.C.,	Representing the Commission
I.D. Sinclair, Allan Findlay,	Representing the Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Monday,
April 15, 1957.

28th DAY

MORNING SESSION

---The Commission resumed at 10.00 a.m.

MR. SINCLAIR: Mr. Chairman, there are a few matters I should like to clean up. First, I should like the Commission to ask the Board of Transport Commissioners to make available to me their file 39314, which is a complaint of the Brotherhood of Locomotive Engineers regarding the Canadian National Railways and the fact that the Canadian National Railways were operating diesel switching engines in the Turcot yard without a fireman-helper, so-called. That file is dated 1935.

THE CHAIRMAN: Well, what I have been doing in connection with Mr. Lewis' applications is to simply write a letter to the Chairman, which he acknowledges. I will let you know when I get an acknowledgment.

MR. SINCLAIR: Very well. I was wondering if in the light of the position taken by the Chairman, I having made a request, perhaps it could be indicated that it would be in order with the Commission if I wanted the correspondence. I think the other situation would just follow through.

THE CHAIRMAN: Very good.

MR. SINCLAIR: Next, at Volume 7, pages 787 to 790, during the cross-examination of Mr. Borntrager of the New York Central, Mr. Lewis asked for certain documents that Mr. Borntrager had in mind and dealing with

the attitude of the United States railroads on the employment of firemen on diesel locomotives prior to 1937. Mr. Borntrager has sent these along and I would like to file them as Exhibit 148. The first document is a telegram to me signed by Mr. Borntrager dated April 13, 1957.

EXHIBIT No. 148 -- Telegram,
Mr. Borntrager
to Mr. Sinclair,
April 13, 1957.

MR. SINCLAIR: Attached to that, to be filed as Exhibit 148A, is the official ballot of the Brotherhood of Locomotive Firemen and Enginemen on the Burlington, dated November 18, 1935.

EXHIBIT No. 148A -- Ballot, Locomotive Firemen,
Burlington.

MR. SINCLAIR: And as Exhibit 148B the official ballot of the Brotherhood of Locomotive Firemen and Enginemen on the Boston and Maine dated May 7, 1936.

EXHIBIT No. 148B -- Ballot, Locomotive Firemen,
Boston and
Maine.

MR. SINCLAIR: And as Exhibit 148C the bulletin of the Brotherhood of Locomotive Firemen and Enginemen from the office of the President, dated Cleveland, August 1, 1936.

EXHIBIT No. 148C -- Bulletin,
Locomotive
Firemen,
August 1, 1936.

MR. SINCLAIR: I shall have copies of these made and given to the Secretary.

Then during the cross-examination of the witness J.J. Youngs, to be found in Volume 26, page 3448, my friend requested that I file the notebooks which Mr. Youngs had used as a base for his trip reports. I would like to file the first of two books which is marked February 1-March 5 as Exhibit 128C.

EXHIBIT No. 128C -- Notebook,
Mr. Youngs,
February 1-
March 5, 1957.

MR. SINCLAIR: Then as Exhibit 128D, Mr. Youngs' book dated March 6, 1957.

EXHIBIT No. 128D -- Notebook,
Mr. Youngs,
March 6, 1957.

MR. SINCLAIR: Then as Exhibit 128E I should like to file a letter from the General Superintendent, A.L. McGregor, to me dated April 11, 1957, together with a discipline form dated February 9, 1948, and the acknowledgment form of Mr. Youngs bearing his signature and dated February 23, 1948. This deals with the assessment of discipline after running through a switch at Scarlett Road, Lambton, and my friend requested me to file this outside the record.

EXHIBIT No. 128E -- Letter,
A.L. McGregor
to Mr. Sinclair,
April 11, 1957;

EXHIBIT No. 128E cont'd.

-- discipline form,
February 9, 1948;
acknowledgment,
February 23, 1948.

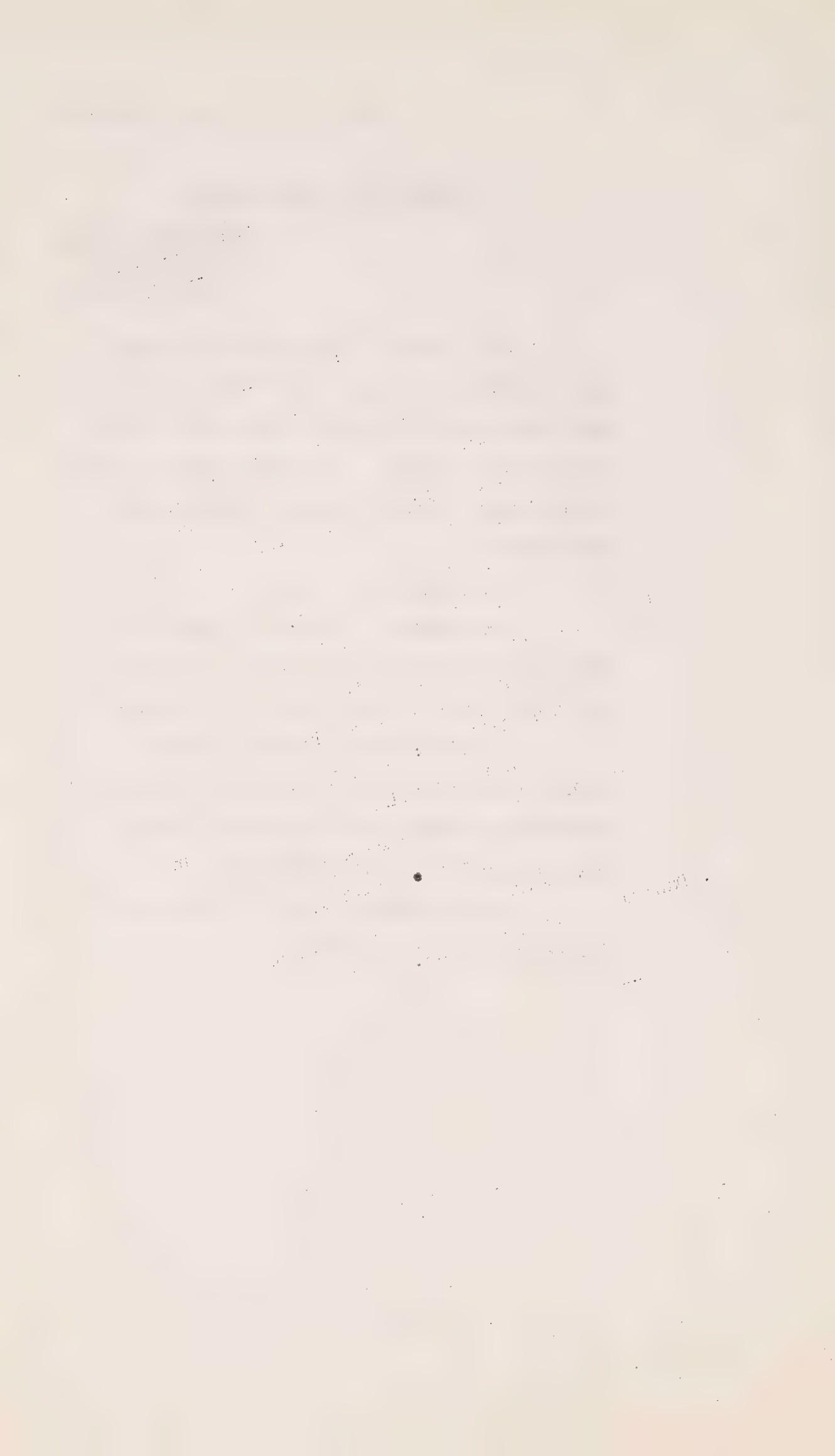
MR. LEWIS: I am not suggesting that it should be done, but I just want to make sure what can be done with these notebooks of Mr. Youngs. I imagine there is just the one copy which is being filed with the Commission.

MR. SINCLAIR: Yes.

MR. LEWIS: I am not suggesting that they should be photostated or anything, but I just want to make sure what they are.

THE CHAIRMAN: If you find anything in them that you think would be relevant and that you would want to refer to later, then you could have it photostated.

MR. SINCLAIR: My next witness is Mr. Daniel Pittinger Loomis.



DANIEL PITTINGER LOOMIS, sworn.

EXAMINED BY MR. SINCLAIR:

- Q Mr. Loomis, what is your present position?
- A I am Chairman of the Association of Western Railways.
- Q When did you enter railway service, Mr. Loomis?
- A October 1, 1928.
- Q As what?
- A As attorney for the Delaware and Hudson Railroad Corporation at Albany, New York.
- Q You were promoted to Assistant to the General Counsel of the Delaware and Hudson Law Department on October 1, 1936?
- A Yes.
- Q And then to Assistant General Counsel on January 1, 1939, for the Delaware and Hudson?
- A Yes.
- Q Your present residence is Chicago?
- A Yes.
- Q In 1939 and 1940 you represented the Eastern Railways of the United States under the Fair Labour Standards Act in the fixing of minimum wages for the railway industry?
- A Yes, sir.
- Q In 1941 you were Chief Counsel for the Eastern Railways in the wage and rules cases covering all railway employees?

A Yes, sir.

Q On August 1, 1942, you left the Delaware and Hudson employ and became Executive Director of the Association of Western Railways?

A Yes, sir.

Q What has been your major work since that time, Mr. Loomis?

A The handling of labour relations in concerted movements on behalf of the western railways. I have served as Chairman of all committees representing the western railways in labour negotiations.

Q Since August, 1942?

A Since August, 1942.

Q On September 1, 1948, you were appointed Chairman of the Association of Western Railways, and that is the position you now hold?

A Yes, sir.

Q In 1956, Mr. Loomis, what part did you play in the negotiations leading up to labour contract revisions in the railroad industry in the United States?

A I was Chairman of the Western Carriers Conference Committee and acted as chief negotiator for all the railways of the United States represented by the three regional conference committees.

Q In Class 1 railroads of the United States generally are there contracts with the Brotherhood of Locomotive Firemen and Enginemen?

A There are.

Q Do those collective labour agreements contain rules that are known as diesel rules or diesel clauses?

A They do.

MR. SINCLAIR: I have had extracted from the present agreement extracts which I should like to have marked as an exhibit. These are from agreements between certain eastern, western and southeastern carriers and their employees represented by the Brotherhood of Locomotive Firemen and Enginemen. There are two sections of the agreement, being Sections 4 and 5, which I should like to file as Exhibit 149.

EXHIBIT No. 149 -- Two sections, agreement with Locomotive Firemen.

MR. SINCLAIR: Before asking Mr. Loomis to read this exhibit I should like to ask you to turn to Exhibit 1, which is the collective agreement on the Canadian Pacific with the firemen's brotherhood, that is the same union, and particularly the diesel rule in that agreement which will be found at page 24 of Exhibit 1, being Article 11, particularly Article 11(f).

Wedge No. 12
Sedimentation in the
Canyon de Chelly
National Monument
Arizona
by
John C. Merriam
Curator
University of California
Berkeley, California
1900

Page 24 of Exhibit 1 is the diesel rule in the Canadian Pacific agreement.

BY MR. SINCLAIR:

Q Now, Mr. Loomis, does Exhibit 149, setting out Sections 4 and 5 of the agreements in the United States cover the diesel portions of the collective agreements with the firemen's union?

A It does.

Q. Would you please read section 4?

MR. SINCLAIR: Mr. Chairman, I should like to comment as we move through it with respect to the differences so far as the Canadian Pacific situation is concerned.

THE CHAIRMAN: If you are going to comment, why not read it yourself and then you would not have to interrupt the witness?

MR. SINCLAIR: Well, I was going to follow it.

THE CHAIRMAN: Whatever you find most convenient, Mr. Sinclair. Go ahead.

MR. SINCLAIR: Will you read it, Mr. Loomis?

THE WITNESS: "Section 4. A fireman, or a helper, taken from the seniority ranks of the firemen, shall be employed on all locomotives; provided that the term 'locomotive' does not include any of the following:

(a) Diesel-electric, oil-electric, other internal combustion, steam-electric, or electric, of not more than 90,000 pounds weight on drivers in service performed by yard crews within designated switching limits."

MR. SINCLAIR: Now, Mr. Chairman, Exhibit 149 and Article XI of Exhibit 1 are exactly the same up to that point. Yes, Mr. Loomis?

THE WITNESS: "Note 1: Such power installed subsequent to June 1, 1950, shall be considered 'locomotives'.

Note 2: Where agreements in effect as of May 17, 1950, require a fireman (helper) be employed on such locomotives in yard service, such agreements shall continue in effect."

MR. SINCLAIR: Neither of those notes is part of the Canadian Pacific collective agreement. Yes, Mr. Loomis?

THE WITNESS: "(b) Electric car service, operated in single or multiple units.

(c) Gasoline, diesel-electric, gas-electric, oil-electric or other rail motor cars, which are self-propelled units (sometimes handling additional cars) but distinguished from locomotives in having facilities for revenue lading or passengers in the motor car; except that new rail motor cars installed after March 15, 1937 which weigh more than 90,000 pounds on drivers shall be considered 'locomotives.'

If the power plants of existing rail motor cars be made more powerful by alteration, renewal, replacement, or any other method, to the extent that more trailing units can be pulled than could have been pulled with the power

plants which were in the rail motor cars on March 15, 1937, such motor cars, if then weighing more than 90,000 pounds on drivers shall be considered 'locomotives'.

Note: Budd diesel cars, or new cars of similar type, will be considered 'locomotives' if they weigh more than 90,000 pounds on power driven wheels, operated either singly or in multiple."

MR. SINCLAIR: With regard to section 4, clause (c) of Exhibit 149, Exhibit 1 is the same up to the word "installed" in clause (c) of section 4 of Exhibit 149. That is in the sixth line. Then, starting with the word "after" to the end of the first paragraph of clause (c) and taking in all of the second paragraph and the note, that is not in the collective agreement in Exhibit 1. Instead, the collective agreement on the Canadian Pacific reads:

"...subsequent to date of this agreement weighing more than 90,000 pounds on drivers, shall be a subject for negotiation between the company and the Brotherhood of Locomotive Firemen and Enginemen as to whether such units shall be classified as locomotives."

The Commission will recall that the Canadian Pacific is operating, as was stated in evidence, a number of motor cars known as Budd cars in multiple

without a fireman or helper which, under the United States agreement, could not be done, the American agreement being Exhibit 149.

BY MR. SINCLAIR:

Q Is it correct that under the American agreement it would be impossible to operate Budd cars in multiple without a helper or fireman?

A In their present construction, yes. Two Budd cars will weigh over 90,000 pounds on power-driven wheels.

Q And that would require the assignment of a fireman?

A Yes.

MR. SINCLAIR: Clause (d) of Exhibit 149 is the same as clause 4 of Article XI (f) of Exhibit 1, and I do not think it needs to be read. It has to do with other power machines running on the rails.

Section 5, which is page 2 of Exhibit 149, is not a part of the Canadian Pacific collective agreements with the Brotherhood of Locomotive Firemen and Enginemen or with any other brotherhood. I do not think it is necessary to read it.

BY MR. SINCLAIR:

Q Mr. Loomis, would you just say what section 5 of the collective agreement with the firemen covers?

A The rule covers the operation of multiple unit diesel-electric locomotives, and it provides that in high speed, streamlined or main line through passenger trains a fireman shall be in the cab at all

times when the train is in motion.

It also provides that if compliance with the foregoing requires the service of an additional fireman he shall be taken from the seniority ranks of the firemen and the firemen's working conditions and rates of pay will apply.

MR. SINCLAIR: Mr. Chairman, a somewhat similar provision is in the agreements with the Canadian Pacific in this sense, that if more than the present complement of men are put on a diesel, like a second fireman, they must come from the seniority ranks of the firemen.

THE CHAIRMAN: If they are actually put on. This clause that was just read provides a basis upon which they shall be put?

THE WITNESS: It does this. If compliance with the requirement of keeping a fireman in the cab requires another fireman, then he must come from the seniority ranks.

THE CHAIRMAN: Personally I do not visualize such circumstances. It may not be relevant.

MR. SINCLAIR: The point is, Mr. Chairman, that I will be asking this witness and some of these other United States witnesses I have here whether they have been, and I do not want to mislead the Commission inadvertently in any way by what I have said about section 5. There is a clause that if so the Canadian Pacific ever/decided that clause would apply, and you can understand from our position that it is not a matter that we will concern ourselves

with.

MR. LEWIS: It is Article 11, section (3) that my friend is referring to and it is on page 24 of Exhibit 1.

BY MR. SINCLAIR:

Q Now, Mr. Loomis, with Exhibit 149 before you would you please give the Commission the historical background of section 4 of the United States carriers' contract with the firemen's union?

A Section 4 had its inception in an agreement dated February 28, 1937, between the United States railroads and the Brotherhood of Locomotive Firemen and Enginemen. That agreement provided that a fireman taken from the ranks of the firemen would be employed on all types of power used in road, yard or any other class of service. Then it contained exceptions from the definition of "locomotives" which were similar to those contained in (a) (b) (c) and (d) except that the present (a), (b), (c) and (d) spell them out in considerably greater detail.

B2 Q What was the background of the signing of the agreement of 1937, Mr. Loomis?

A The background was a national notice served on the class 1 railroads of the United States by the Brotherhood for the employment of firemen on diesel-electric locomotives. Prior to the inception of that national notice there had been negotiations on certain individual railroads and agreements made either with

respect to specific trains or with respect to types of units for the employment of a fireman.

Q This morning I filed as Exhibit 148 certain documents. Was one of those railroads you speak of the Burlington?

A Yes.

Q And did the agreement there follow any type of threatened strike action?

A It did.

Q Was there another in the Boston and Maine?

A Yes.

Q And was the entire matter or was it not brought to the attention of the members of the firemen's Brotherhood by notification from their president just before the national movement?

A Yes.

Q And was that notification in the form that is shown as Exhibit 148-C? Have you seen that document before?

A Yes, sir, and that is the form.

MR. LEWIS: What is 148-C?

MR. SINCLAIR: 148-C is a bulletin dated August 1, 1936, from President Robertson of the firemen's union to all the members of the various lodges in the United States.

BY MR. SINCLAIR:

Q I notice in Exhibit 148-B, the second page, the third paragraph, there is a situation explained, Mr. Loomis. What was that about, do you know?

A The paragraph reads as follows:

"In the interest of a settlement, representatives of the employees also agreed to waive for the time being, request for the assignment of firemen as helpers on diesel-electric locomotives in switching service, conditional on the management agreeing to become a party to a concerted movement if and when inaugurated by the Brotherhood for the purpose of securing the assignment of firemen as helpers on this new type of power in that class of service."

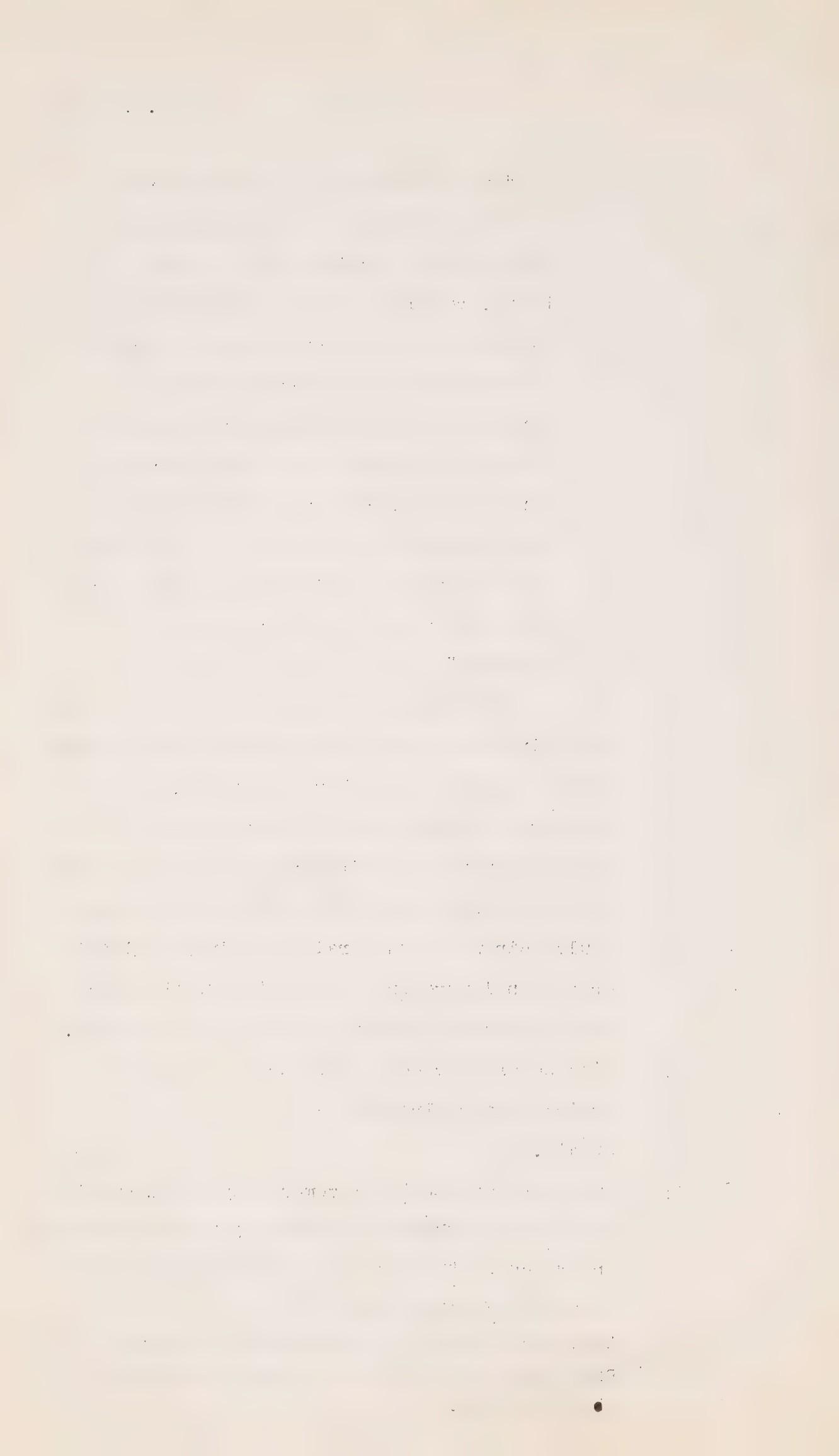
The meaning of that was that the Boston and Maine was operating at least some switching diesel locomotives without a fireman. The Brotherhood agreed not to press the matter of the employment of a fireman against the Boston and Maine alone provided the Boston and Maine would join with other railroads in a regional or national movement in case the Brotherhood started such a movement against the railroads.

Q Did the Brotherhood start such a movement against the railroads?

A It did.

Q Was that part of the movement that culminated in the 1937 agreement to which you have referred and which is the historical background of section 4 of Exhibit 149?

A Yes, according to the records the request of the Brotherhood was filed with the railroads on October 31, 1936.



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Q Why, Mr. Loomis, did the railway industry of the United States, as represented by these conference committees, agree to the 1937 diesel provision in their collective agreements with the firemen?

A There were very few diesel electric locomotives in service at that time; they were new and experimental. I believe the first road locomotive came into service on a railroad in the United States in 1933.

Q What kind of diesel was that?

A That was a streamline train on the Union Pacific called the City of Salina; I believe a three or four car train, the diesel power being in the first unit, which was the locomotion for the train.

Q Was there a fireman on that unit?

A The Union Pacific, I believe, used a fireman from the inception of the service. At about the same time the Burlington put on its first Zephyr train and did not use a fireman.

Q That was between Denver and Chicago?

A Yes.

Q Pioneer Zephyr is what it is known as?

A That is right. That led up to the negotiations on the Burlington and a strike ballot of 1935.

Q That is what we just referred to as Exhibit 148(a)?

A That is right.

Q Yes?

A There had also been a strike ballot on the Boston

and Maine, the Maine Central and some other New England railroads. When it came to the national negotiations, with the very large predominance of steam power and the almost certain implication of strike again the railroad committees negotiated a settlement in February of 1936 which required the employment of firemen on diesel electric locomotives as I have stated.

Q Mr. Loomis, you referred to the predominance of steam power at this time on the United States railroads. That is early in 1937. Have you got any material to support that?

MR. LEWIS: To save my friend time, I am ready to admit that.

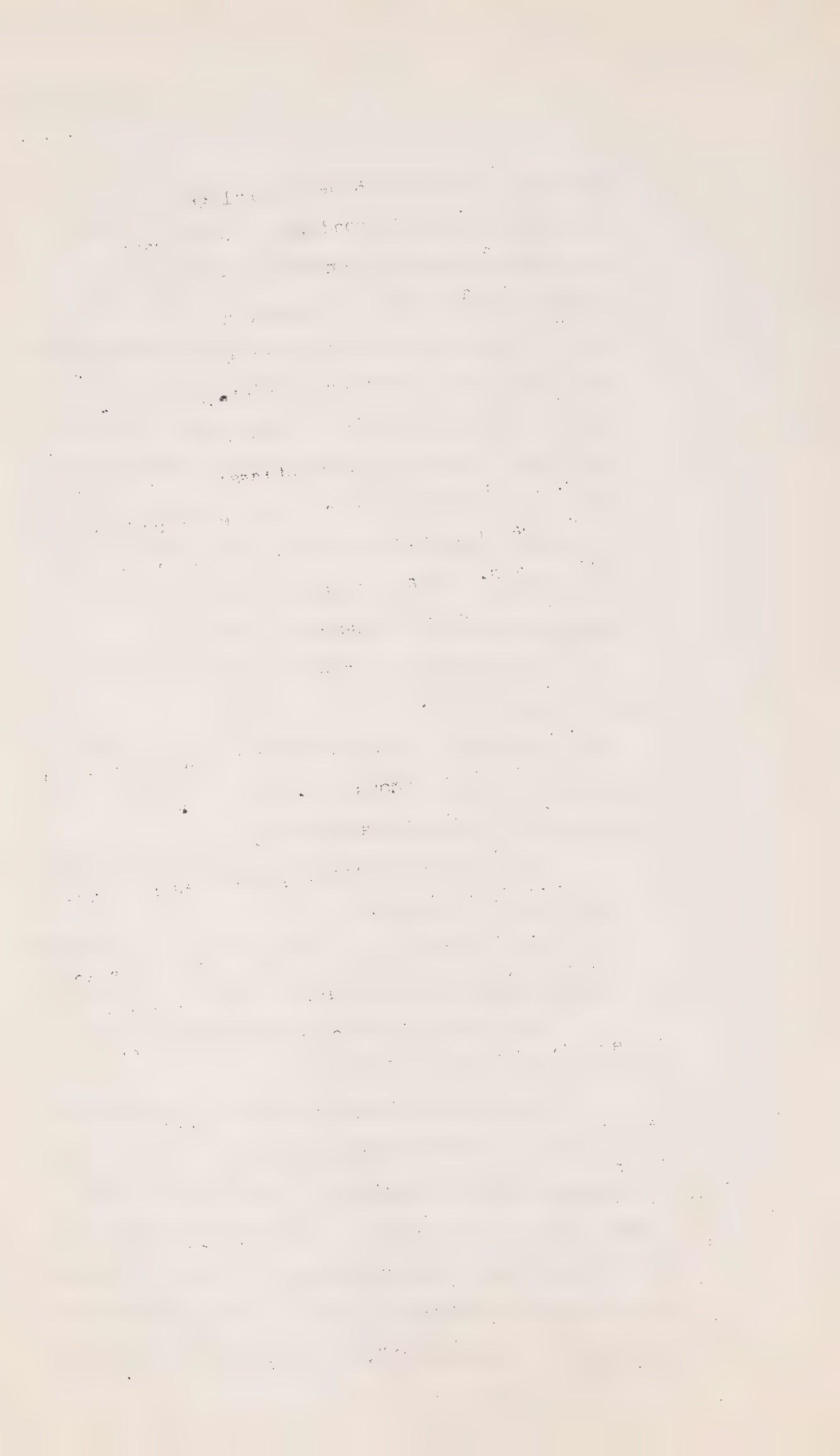
MR. SINCLAIR: I would like with the Commission's permission, to just demonstrate it. I am not surprised at my friend's admission.

THE CHAIRMAN: Normally, one does not have to prove what is admitted.

MR. SINCLAIR: He went on to say there were no diesels except three or four. I will take that.

MR. LEWIS: I will certainly admit there were very few diesels in 1937.

THE WITNESS: This is from the statistics of railways in the United States, published by the Interstate Commerce Commission, page S-17 of the report for the year 1936. It shows that as of the end of the year there were owned by class 1 railways 44,233 steam locomotives, 764 electric locomotives, and under the heading "Other", which would include



diesel electric, 147.

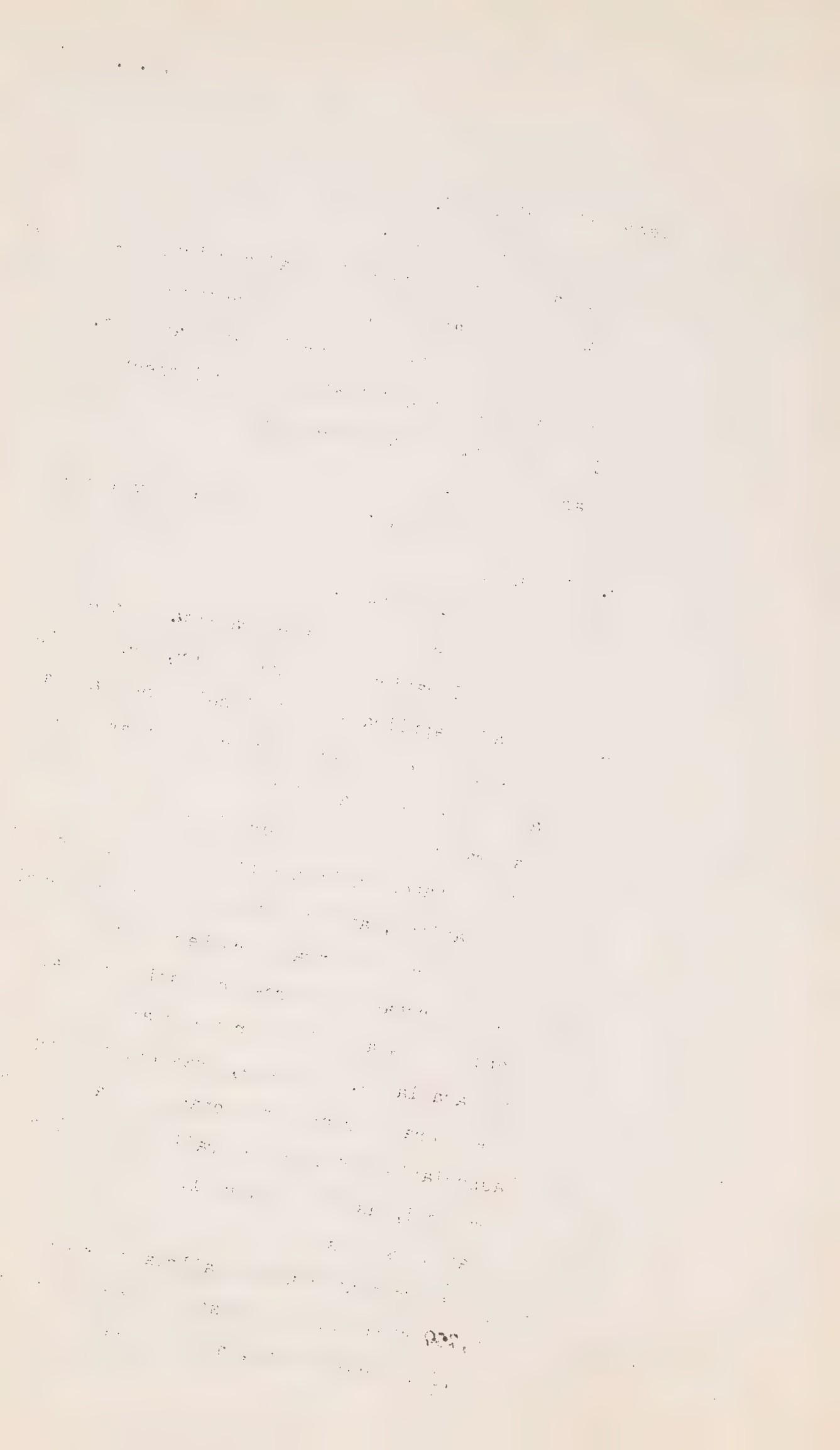
BY MR. SINCLAIR:

- Q How many of these were in road service, Mr. Loomis?
- A I would estimate about 10. There were no locomotives in freight service at that time.
- Q You say "all other" includes diesel electric locomotives. What other kind?
- A Gas electric.

THE CHAIRMAN: I think you have made the point, Mr. Sinclair.

BY MR.SINCLAIR:

- Q When did the United States railroads make their major application of diesel power, Mr. Loomis?
- A The major application of diesel power came after 1947, and the biggest movement in that direction was between 1949 and 1952.
- Q What was the motive power situation on the United States railroads at the time of your 1956 negotiations, at the time they were commencing with the running trade brotherhoods?
- A The Interstate Commerce Commission annual report of statistics for the year 1956 is not yet available. I have, however, the report of the operations and maintenance department of the association of American railroads of locomotive ownership as of February 1, 1956.
- Q What does it show?
- A It shows that class 1 railroads owned or leased 5,769 steam locomotives; they owned or leased 25,054 diesel units, and they owned or leased



Mr. D.P.Loomis

632 electric units.

Q Mr. Loomis, will you tell the Commission the background of section 5 of Exhibit 149? This is what is known in the United States as the watchman rule, is it not?

A Yes.

Q What is the background of that?

A The background of that was a notice served by the brotherhood on the class 1 railroads of the United States on May 10, 1941. In that notice the brotherhood requested that in multiple unit operation of diesel electric locomotives, in fact, of all locomotives other than steam, a fireman helper taken from the ranks of a fireman will be employed on each unit. Negotiations and mediations failed to bring about a settlement of the dispute, and under the railway labour act of the United States the President of the United States appointed what is known to us as an emergency board. It is a fact finding board which conducts hearings and makes a report to the President with recommendations as to how the dispute should be settled. The emergency board, in its report to the President, rejected the request of the fireman for employment of a fireman on each unit in multiple unit operation. It did, however, recommend that in high speed main line or stream line through passenger service that the fireman should be in the cab when the

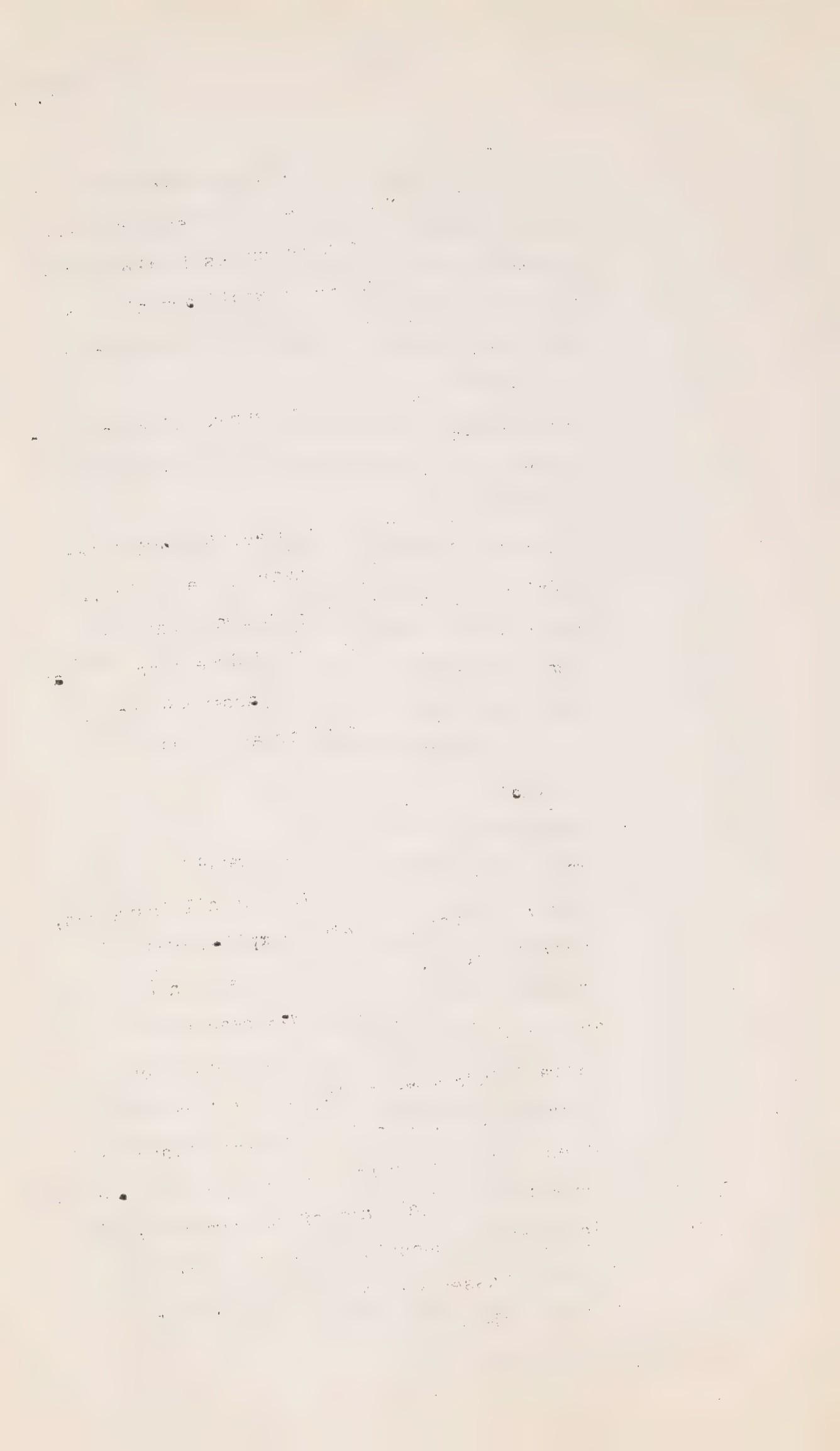
train was in motion, and if keeping him in the cab required the employment of a second man to perform fireman's duties in the engine room, such second man -- it would actually be a third man -- should be taken from the ranks of the fireman.

Q What does a high speed stream line passenger line mean in connection with that provision, Mr. Loomis?

A It did not receive a specific definition until an arbitration award made in 1954. Prior to that time the railways had pretty much exercised their own judgment as to what was a high speed through passenger train. But there were complaints and in the 1950 settlement --

Q Complaints by whom?

A By the brotherhood that the watching rule was not being complied with in all instances, or that it was not being complied with on certain trains. In a settlement made in May of 1950 an agreement was reached to arbitrate the question of whether or not the railroads were violating the agreement on the watching rule, and in the performance of duties in the motor room of the diesel electric locomotive. That part of the award that relates to the question of a high speed main line passenger train was this. The watching rule --



Mr.D.F.Loomis

BY MR. LEWIS:

Q What page?

A This is the award of the arbitration board,
April 13, 1954, page 35.

"The watching rule applies to two classes of trains only. The first (1) high speed stream lined through passenger trains; and, (2) high speed main line through passenger trains that make few or no stops. Whether or not a passenger train is a watching rule train is determinable from its characteristics while operating over a division. A high speed train is one that averages 60 miles an hour over a division exclusive of scheduled standing time at stops. A stream line train is one in which the cars are lightweight matching cars. The temporary use of conventional cars does not destroy its character as a stream line train. A passenger train which makes few or no stops is one that averages 80 miles or more between scheduled stops."

There is one other section, 12, that applies to this.

"The carriers have the unrestricted right to determine when an additional employee shall be assigned to a multiple unit diesel locomotive in service through which the watching rule applies. If he is

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assigned to perform work customarily performed by firemen he is to be taken from the seniority ranks of firemen."

Q Did the United States railways accept the recommendation of the emergency board that you have just read to the Commission?

A Of the 1943 Emergency Board, they did.

Q Was there any dispute after the 1954 arbitration?

A A dispute after the 1954 arbitration?

Q Which you just read to the Commission? I am sorry, 1950; I said 1954.

A Yes, after 1950.

Q Yes?

A There was this arbitration to settle the dispute that then existed.

Q That is right. Now, did any of the United States railroads, pursuant to the provisions of these clauses in the agreements, and in accordance with the findings of the Emergency Board, did they or did they not assign a second man to ride the diesels, a second fireman to ride the diesels?

A There were individual instances following the 1943 agreement where on certain trains at certain seasons of the year a fireman, or a second fireman was used principally because of the heating boiler and certain hand operations that were required in the motor room.

Q What is the situation today?

Mr.D.F.Loomis

A All of these appliances have been made automatic or capable of being operated from the front cab of the locomotive, and no second fireman is employed today. In fact, I do not believe any have been employed since about 1945.

Q When did the railways of the United States for whom you have acted or for whom you have been spokesman first seek a modification of the diesel rule in so far as the assignment of firemen was concerned, the diesel rule being Section 4 of Exhibit 149?

A The notice by the carriers on the Brotherhood was served on or about January 30, 1956.

Q What was the effect of the modification proposed by that notice?

A The modification proposed was to eliminate all the rules and regulations that required the employment or use of firemen on other than steam power, and establish a rule to provide that the carrier was to have unrestricted right to determine when and if firemen shall be used on other than steam power. It also contained a provision that where a fireman was used on diesel electric or on other than steam power, he would be paid the minimum rate shown in the rate schedule for the class of service in which he was used and would not be subject to the weight on drivers gradation that appeared in the rate schedule.

Q Did that proposal include all classes, yard, freight and passenger?

A It did.

Q Was that the first notice served by the railways for modification of the diesel rule, Mr. Loomis?

- A It was on a concerted basis. There had been, I believe, one or possibly two notices by individual railroads prior to that time.
- Q What was the reason the railways waited until 1956, January, 1956, before making a concerted movement to modify the assignment of firemen as required under the collective agreement, diesel rule?
- A It was the gradual development of diesel operations, the continuing improvement of the mechanical and electrical parts of the diesel locomotive, the increasing use on the railroads of the United States, and I think it is fair to say, all the cases we went through when the Brotherhood was trying to secure additional and unnecessary men, we learned a great deal through making studies, specific studies, of diesel operations; that was particularly true in the arbitration proceedings in 1954. This led to a series of discussions amongst railroad officers with respect to the necessity for the employment of firemen on diesel electric locomotives, and the conclusion that the rule should be changed to make the use of firemen a matter of managerial judgment.
- Q When you talk about the changes in design and electrical appliances over the years and the gradual development, what were those changes?
- A Well, I am not an expert in the mechanics, but the report of the emergency board based on the

evidence presented did show such examples as these, in the 1943 report to the President's board, such things as purolators, which are oil filters --

Q How do you spell that?

A P-u-r-o-l-a-t-o-r-s; shutters which were on the cooling fans for the diesel locomotive had to be hand-operated in the motor room; that the steam boiler for heating passenger trains had to be hand-operated in the motor room. The later reports would show that these appliances were either made automatic or gauges and buttons were placed in the operating cab where they could be operated from the cab without the necessity of anyone going back to the motor room. We also studied accident reports of where accidents were prevented by having two men in the cab.

Q As a result of these studies in your committees you did what?

A We came to the conclusion that the absolute requirement of the rule as shown in Sections 4 and 5 should be eliminated, and that the matter of the use of firemen on diesel electric locomotives should be a question of managerial judgment.

Q Is some of the power in the United States on some of these roads, the diesel power, have they still got purolators and hand-set shutters, matters of that kind, do you know?

- A None that I know of; it is possible some might exist out of the 25,000-odd we now have, but not that I know of.
- Q What happened to the proposal that was made by the United States carriers to the firemen's union in 1956?
- A Negotiations were opened in the fall of 1956, shortly after Labour Day, that is national negotiations. Under our procedure, negotiations are first conducted on the individual railroad basis, and then these conference committees are formed in each region for the Eastern railroads, the Southeastern railroads and the Western railroads, to meet together to negotiate with certain of the Brotherhoods. The national conference commenced shortly after Labour Day in 1956. They also involved requests of the Brotherhood for substantial increases in pay and for hospital, surgical and medical insurance plans.

At the same time, during the fall of 1956, we were negotiating with all of the standard railway unions --

- Q Both operating and non-operating?
- A Both operating and non-operating, enginemen, firemen, conductors, trainmen and switchmen's unions on the operating side, and a joint conference committee representing the eleven large non-operating organizations. During the course of negotiations the representatives of

the railroads decided to seek a three-year term agreement. I might say that carrier proposals were also involved in negotiations with the operating crafts, principally having to do with the so-called basic day or dual basis pay rules.

Q What was the proposal from your carriers?

A The proposal there was that in freight service instead of a basic day being based on 100 miles or a speed basis of $12\frac{1}{2}$ miles per hour, it should be increased to 160 miles or a speed basis of 20 miles per hour; in passenger service, that enginemen and firemen, the proposal was for a basic day of 180 miles instead of 100 miles and for a speed basis of 30 miles per hour instead of 20 miles; with the conductors and trainmen, who now have 150-mile days in passenger service, the proposal was for 240-mile days in passenger service, again with a speed basis of 30 miles rather than 20 miles.

Q Were there any proposals by the carriers to the non-operating people?

A There was the proposal with respect to adjustment in wages. The carriers felt that an inequity existed under which they should be credited with a six-cent adjustment against any increase that might be secured by the non-operating unions, and a notice had been served for such six-cent per hour adjustment downward.

Q Did the carriers make a settlement with the non-

operating unions?

A They did, on November 1, 1956.

Q And what was the term of the contract?

A The term of the contract ran until November 1, 1959.

Q That is a three-year contract?

A Yes, sir.

Q Did it have any provisions in regard to rules changes or working conditions changes?

A Yes, it had a provision that no change would be sought with respect to wages or rates of pay, with respect to vacations, paid holidays or with respect to arbitraries or special allowances, that is, rates of pay for arbitraries or special allowances or the creation of any new ones or the elimination of old ones.

MR. LEWIS: Is this with the operating or non-operating?

MR. SINCLAIR: Non-operating.

BY MR. SINCLAIR:

Q To summarize it, there was a provision for a wage increase, a three-year contract with a wage increase and a moratorium on changes in rules and working conditions?

A Covering compensation.

Q That was the non-operating set-up. Now, that was negotiated and signed in November?

A On November 1. I might say prior to that we had conducted what you might call pattern

talks with all the organizations, that is, that we wanted to make the same settlement with all railway unions.

Q Both?

A Operating and non-operating; in fact, at the inception of the term contract idea we asked the non-operating unions to discuss it themselves with the operating unions, which they did.

D-2 Q What was the first operating union that the carriers were able to settle with?

A The Brotherhood of Locomotive Firemen and Enginemen.

Q When was that settlement made?

A November 20, 1956.

Q Twenty days after the settlement with the non-operating union?

A Yes.

Q And was that or was it not the first of the operating unions to accept the basis -- what was the basis of settlement with the firemen?

A The basis of settlement with the firemen was also a three-year agreement running until November 1, 1959, with the same type of moratorium, essentially. There were some differences in language, but essentially the same type of moratorium that had been agreed to with the non-operating organizations, and the same periodic wage increases and cost of living adjustment clause that had been included in the non-operating agreement. There

was also a provision with respect to the request for hospital and medical plan. If the Brotherhood wished to apply part or all of its second year increase to such a plan, that could be done.

Q Well now, your firemen's union, was it not the first of the operating unions to accept the pattern settlement the railways had worked out with the non-operating unions?

A It was the first.

Q Since that time have other operating unions accepted the pattern?

A Yes, the Brotherhood of Railroad Trainmen, within about the last two weeks, and the Switchmen's Union of North America on March 8, 1957. We are still negotiating with the engineers and conductors.

Q And those engineers and conductors whose negotiations are not finished, are all the contracts based on the non-operating pattern?

A Yes.

Q As a result of the agreement with the firemen's brotherhood of November 20, 1956, I take it that the proposal as to the revision and elimination of certain parts of the collective agreement dealing with the assignment of firemen to diesel locomotives as was proposed by the carriers was entered into and formed part of the moratorium aspect of the agreement, did it?

A It did.

Q What was the reason behind the United States carriers taking the action they did in regard to their proposal as to the assignment of firemen on diesel power?

A It was a balancing of interests and our conclusion that in the over-all picture it was best for the industry to seek a three-year term agreement with all the unions that would be uniform and would be a pattern of settlement. It was for that reason that we were willing to withdraw the proposals, not only those which we had made with respect to the firemen's brotherhood but also with respect to the other operating crafts, to reach such a settlement.

Q Were the operating unions resisting the application of the settlement pattern

as set with the non-ops?

A Well, at least in part. The Brotherhood of Railway Trainmen did not settle in negotiation or mediation and the President of the United States appointed an emergency board which conducted hearings during February and filed its report with the President.

Q That is February of this year?

A March ¹⁵ 18. They held hearings in February, 1957, and filed its report with the President on March ¹⁵ 18, 1957.

Q And was it or was it not the position of the railways that the firemen's union, having accepted the pattern, had broken into the operating trades' settlement of the non-ops?

A That was our position.

Q Mr. Loomis, did safety or efficiency of diesel operations in regard to the crews, particularly the firemen on diesels, play any part in the decision that was made in regard to the settlement with the firemen's union?

A Absolutely none.

Q Why do you know that?

A Because we considered all of that and such reasons for making a settlement and for dropping the proposal at this time -- the safety and efficiency of operations

did not enter into our considerations as to the wisdom of attempting to make a settlement with all the unions.

Q Mr. Loomis, I should like to ask you why you came forward from another jurisdiction to give evidence before this Royal Commission?

A I came forward at the request of the Canadian Pacific and because of newspaper reports that came to my attention that it was being claimed that the railroads of the United States had dropped their proposal because of reasons of safety or efficiency of operation.

Q How did that come to your attention?

A It first came to my attention on a Sunday night during the Canadian Pacific strike-- I cannot recall the exact date -- when a reporter from Vancouver telephoned me at my home and inquired about the settlement made by the United States railroads with the brotherhood and stated that there were reports throughout Canada that the railroads of the United States had settled because they were convinced that a fireman was necessary and asked me to comment on such statements and what were our underlying reasons for the settlement between the brotherhood and the United States railroads.

Q What did you tell him?

A I told him exactly what I have stated here, that neither safety nor efficiency of operation entered into it at all; that the United States railroads were engaged in negotiations with some twenty unions simultaneously and we were trying to reach a uniform term agreement with all of them, and that it was those considerations which led us to drop the various carrier proposals that had been made, not only against the firemen's brotherhood but against all the brotherhoods.

Q In your committee work and in your formulation of policy for the railroads and as its chief negotiator, Mr. Loomis, have you operating men on your committee?

A Yes.

Q And did those operating men participate in the decisions that were made?

A Yes. As a matter of fact, it is a little broader than that. The Association of Western Railways is scheduled to hold a meeting of operating and personnel officers of the western railroads every month. It is not always held every month, depending on conditions and circumstances, but at those meetings all of the problems of the labour situation

and labour practices and anything anyone wants to bring up in that sort of settlement is thoroughly discussed and hashed out.

Q Are you the chairman of those various meetings?

A Yes.

Q You have dealt with the western railroads; is there or is there not a similar situation with the other conferences?

A There is, but it is a little different. We have so many more railroads in the west that we hold these monthly meetings. The number of lines in the eastern region, with their smaller number of railroads, they have a fairly large executive committee which includes the principal lines in the east and which meets at least once a month.

Q Did you meet with their people, their operating people or people with operating background?

A Yes.

Q And they were all part of the decision that was made?

A That is right.

And the proposition submitted by the carriers was agreed to jointly by the representatives of the three regions.

Q Were those operating people or people

with operating background from those various railroads, were their decisions one of the factors that led to the decision to drop that proposal that you have outlined to the Commission? Were they in accord with what you have told the Commission?

A Yes, sir.

Q You know that from having spoken with them yourself?

A Yes, sir.

MR. SINCLAIR: Please answer my friend.

F-1

---After recess.

BY MR. LEWIS:

Q As I understand it, Mr. Loomis, you reached the first national agreement on diesel rules in 1937?

A Yes.

Q And they remained the same, did they not, until 1950?

A No. There were some changes in 1943 with respect to locomotives of less than 90,000 pounds weight on drivers.

Q What were those changes?

A The 1937 agreement excluded all locomotives weighing less than 90,000 pounds on drivers. The settlements in 1943 following the report of the presidential emergency board, were made on a regional basis. The first settlement was made by the eastern railroads, and that contained a provision that the exclusion of locomotives of less than 90,000 pounds would apply only in yard service.

Q Was that copied in the other regions?

A It was.

Q So that in 1943 it became in effect national?

A Yes.

Q That extension?

A That is right, and then it was jointly worked into the national agreement of 1950 when the three regional agreements disappeared and the national agreement took the place of those regional agreements.

Q Was there any further change in 1950 or did it merely incorporate the 1943 changes?

A There was a change in 1950. The agreement of 1950 provided that power installed after June 1, 1950, would be considered locomotives. It also contained a provision -- these are the two notes -- that where ~~the~~ agreements ^{as} in effect ~~on~~ May 17, 1950, required a fireman-helper to be employed on such locomotives in yard service such agreements shall continue in effect.

Q Right. And then you told us that the biggest development in the introduction of diesel power came between 1949 and 1952?

A That is right.

Q But the proposal to remove the rule regarding diesel helpers and to leave the employment of helpers on diesels in the discretion of the railroads was not made, you said, until 1956?

A That is correct. The railroads of the United States were under government seizure because of a labour dispute from August of 1950 until some time in 1952 and conditions were frozen under the government seizure order. That settlement also, when it was finally made, contained a moratorium until October 1, 1953. Shortly after that period we went into the arbitration to which I referred over the interpretation of the watching rule and over the claim of the Brotherhood that the 1950 agreement and the preceding regional agreements had been violated by the



railroads.

Q Were there no over-all agreements entered into in 1953 and 1954?

A There were wage settlements in December of 1953 with the Brotherhood of Railroad Trainmen, in January of 1954 with the Brotherhood of Locomotive Firemen and Enginemen, and later settlements that year with other organizations. The non-operating settlement was in August of 1954. The Brotherhood of Locomotive Engineers' case representing the enginemen went to an arbitration board in the summer of 1954 and was finally disposed of in August of 1954.

Q Well -- are you finished?

A Well, there were further negotiations with the non-operating unions lasting until February of 1955 with respect to the implementation of a hospital and medical plan.

Q But in the negotiations which led to the agreement with this Brotherhood, the Brotherhood of Firemen and Enginemen, in 1954 there was no proposal to change the diesel rule?

A Not in that one, no.

Q Now, you referred during your evidence to the request by the Brotherhood of Locomotive Firemen and Enginemen for another fireman in certain circumstances? Is that right?

A Yes.

Q That was in cases where you used multiple units? Is that it?

A That was true of the request served in 1941. Now, the demand served in 1947, I would have to check. That required a second fireman on all locomotives of four units or less and was not confined to multiple unit operation, so it even went so far as to request the employment of two firemen on a single unit. The notice was served in the form of taking the existing agreement and making delineations or additions. The proposal read this way:

"On diesel-electric locomotives operated in road service a fireman-helper shall be in the cab at all times and an additional fireman-helper shall be employed on all such locomotives for each four units or less."

Q Well, whether or not that is confined to multiple units, what I was going to ask you was this. Am I not right in thinking that the Brotherhood of Locomotive Engineers made a request on the railroads for a second or assistant engineer on multiple units?

A That is correct. They made -- their request went to the same presidential emergency board in 1943 that heard the Brotherhood of Locomotive Firemen and Enginemen's request. Their subsequent request, which was filed either late in 1946 or early in 1947, was heard by a presidential emergency board in the early spring of 1949 prior to the hearing on the firemen's

request.

Q Now, during your negotiations in 1956, Mr. Loomis, you were the chief spokesman for the national conference of railways, if that is what you call it?

A It is a combination of the three regional committees that sits as a unit. The answer to your question is yes.

Q I will call it the national committee, then. In explaining your request for the change in the diesel rule, Mr. Loomis, to the Brotherhood of Locomotive Firemen's committee, did you or did you not inform them it was not your intention to remove helpers from all diesel locomotives but only in certain cases where you thought they could be dispensed with?

A We informed them that it was not our intention to necessarily eliminate the craft of firemen from all power other than steam, that under the proposition it would be a matter of managerial judgment, that certainly there were many instances and classes of service where the presence of a fireman was not necessary, and that our proposal was intended to permit the exercise of judgment on the part of the management of the railway as to whether or not a fireman should be used.

Q And did you not also inform them that the railways were aware that in some of the operations helpers on diesel engines would continue to be

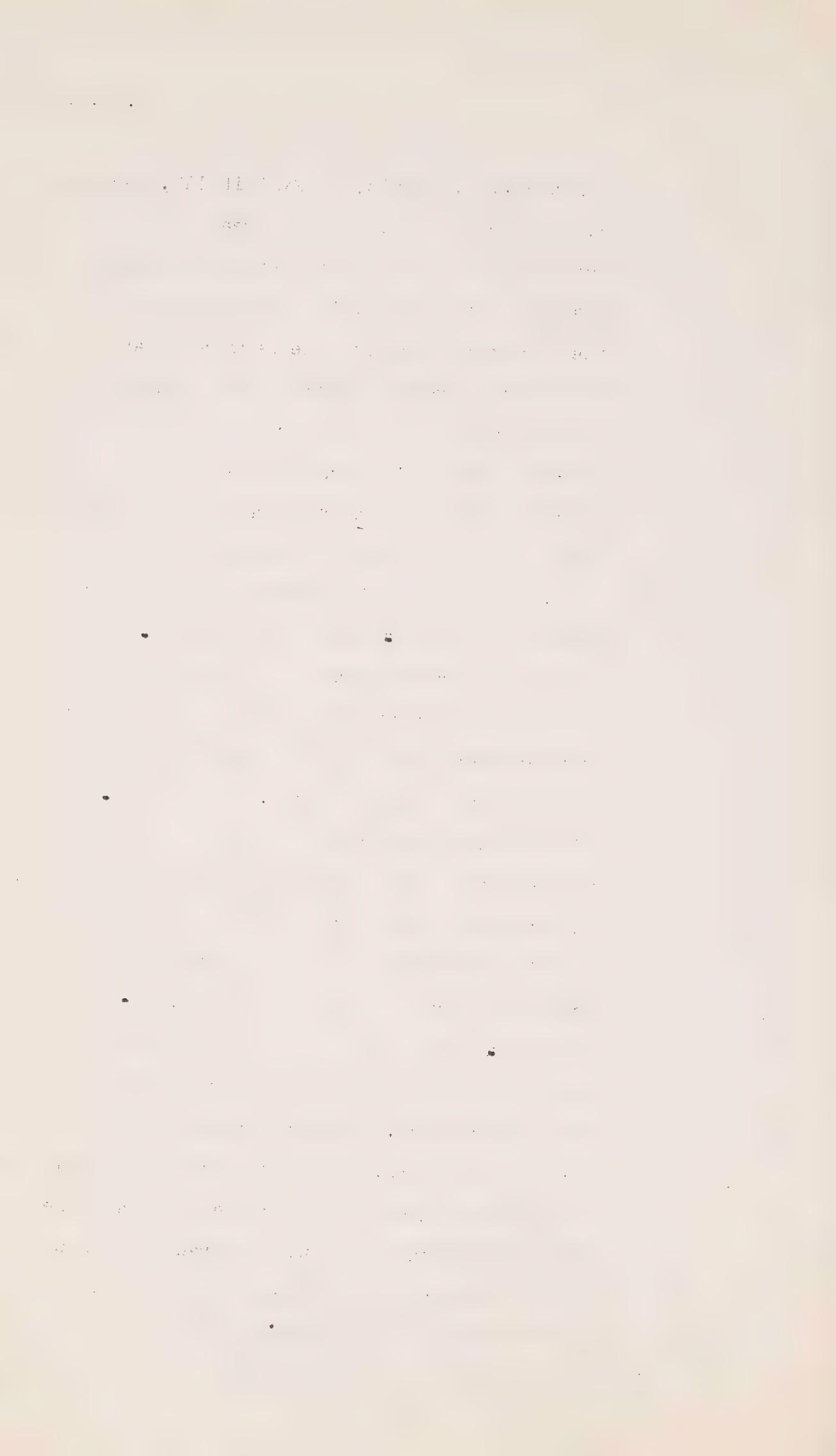
necessary?

- A We informed them that certainly in some instances firemen would continue to be employed. We did not attempt to delineate or specifically outline instances either way in that respect.

Mr. D.F.Loomis

Q I noticed, Mr. Loomis, in Exhibit 149, section 5, the second page, when you read it this morning, as I had noticed reading it myself previously the words, "If compliance with the foregoing requires the service of an additional fireman helper on such trains to perform the work customarily done by firemen helpers." What is that work which fireman helpers customarily do on diesel engines that that had reference to?

A That, I would say, is a matter of considerable argument; it was a matter that was dealt with by the arbitration board in 1954 which had before it the question of whether or not the carriers were violating the agreement. It would be hard for me to say. In the drafting of the 1943 agreement in the west, following the report of the Presidential Emergency Board, the carriers committee originally sought to get the brotherhood to specify duties that were specifically firemen's duties. We wanted to know at that time. In the development of the diesel some railroads were also using either mechanics, or electricians to maintain the diesel motors. They were called maintainers. The Emergency Board had recommended that some line of demarcation should be drawn. We sought to draw such a line, to get a definition. The president of the brotherhood and his committee took the position that it was impossible



to make a specific definition: so it was pretty much left up in the air, and I think the best I can do would be to refer you to the arbitration award of 1954.

Q Well, Mr. Loomis, perhaps you are not acquainted directly with the training which firemen on diesels receive.

A I am not acquainted directly with it, no.

Q Or with the work that they actually do perform on the diesels?

A I have observed.

Q What is the work which in the American railroads you require them to perform?

A Well, in my observation, it has been nothing but keeping look out.

Q They do not inspect your engines?

A Occassionally in freight service they will go through the motor room; in passenger service in those multiple unit operations no, unless they go through at a stop, and that consists of walking through and looking around.

Q They do not actually inspect the various gauges and things, to your knowledge?

A Most of the gauges now are in the cab, your important appliances.

Q You have not observed whether they do patrol these units when they stop?

A Well, now, I am only speaking from personal observation because mechanics is not my forte.

In my observations, yes, I have occasionally on freight engines seen a fireman go back to the motor room. I have never gone back to see what he did. He might be gone two or three or four minutes.

Q Do you know whether there is any platform, as it were, connecting one unit with another in a multiple unit consist?

A That is variable.

Q You mean there are some which have and some which have not?

A There are passageways there, of course. I am not sure just what you mean by "platform".

Q A cat walk?

A A cat walk.

Q On which you can walk from one unit to the next?

A Yes.

Q They do have them?

A They do have them. I am not sure whether all of them have them, but they do have them.

Q Is what you call the hooded locomotives what we call the road switchers?

A In some instances we have seen them used in the hooded locomotives.

Q Would that be the same as what we have been calling the road switchers?

A Yes, that would be the same.

Q Now, Mr. Loomis, was your American conference

in touch with the Canadian railways?

A No.

Q Regarding this matter of diesel helpers?

A No.

Q Not at any time?

A Not at any time until, oh, sometime in November after we had made the non-operating settlement.

Q November, 1956?

A November, 1956. I received a telephone call from Mr. Gossage of the Canadian Pacific, who asked my opinion as to what the railways of the United States were likely to do in connection with the negotiations with the Brotherhood of Locomotive Firemen and Enginemen. I told him that in the state of affairs in which we found ourselves, that in the efforts we were exerting to make term agreements with all of the operating units unions and the non-operating units ^{unions} that, in my opinion, it was quite likely that if we could finally reach an agreement with the Brotherhood of Locomotive Firemen and Enginemen we would drop during the period of that agreement the proposal with respect to -- well, in fact all the proposals that we had made to the brotherhoods.

Q After that conversation in November --

A I think that was the first time to the best of my recollection that I even knew that the Canadian railroads had such a notice.

Mr.D.F.Loomis

Q Were there or were there not any other discussions or conversations after November, 1956, with Canadian railroads?

A Not until after the creation of the royal commission, when I was asked if I would come before the commission and give such testimony as might be necessary with respect to the situation in the United States.

Q After that, conversations between you and Mr. Sinclair are privileged. That is all.

BY THE CHAIRMAN:

Q Mr. Loomis, I am not sure that I am perfectly clear on your evidence. You told us that it was between 1949 and 1952 that the American railways made their major application of diesel power?

A Yes. There was, of course, some application in 1943, when we had the Presidential Emergency Board in that year. There was a fairly substantial use of diesel locomotives in passenger service; practically none in freight service. The Santa Fe had a very few. the Baltimore and Ohio, I believe, had three; I think the Great Northern had one. There were very few in freight service at that time. Then, you could not get materials during the war, so that the resurgence commenced about 1947; but the big progress was made between 1949 and 1952.

Mr. D.F.Loomis

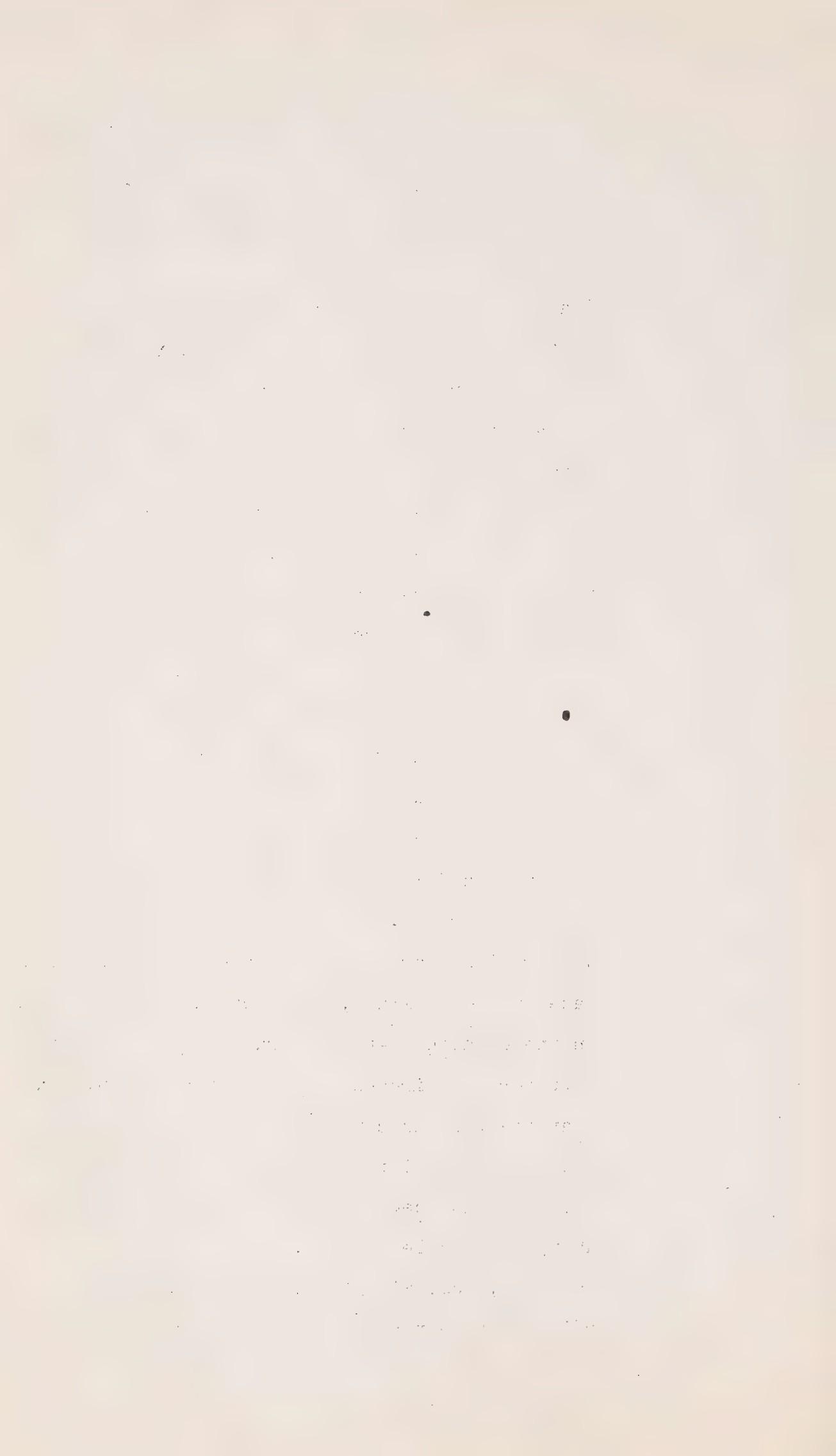
Q As you have explained these machines were improving and gradually any surviving hand operations were eliminated?

A That is right. In fact, the demands of the brotherhoods for additional men taught both the carriers and the manufacturers to seek to make the diesels more automatic and to do away with the necessity of any work in the motor room.

Q Well, now, I want to ask you this because I am not sure you made it clear. You would say that the American railways came to be of the ^{except} opinion that/in exceptional circumstances -- let me put it that way: I will come to it in a minute you did not feel you longer required to employ firemen

A I would say that we got down to a serious study of the matter about 1954. In the report of the President's board in 1949 there were findings by that board with respect to the decreasing work for firemen. In the findings of the arbitration board in 1954, based on the studies made by the railways, there was an actual finding in the opinion that there was little, if anything left for the firemen to do, so that I would say that the serious consideration of the proposition and the possibility of elimination of firemen from at least certain types of service started about the middle of 1954.

Q And when, following that, did the American railways take the opportunity to make that initial



Mr. D.F.Loomis

request?

A We made the request on January 30, 1956.

Q Well, then, it was in connection with the 1956 agreement that you would say was the first occasion?

A Yes.

Q When you were having your discussion at that time, and you made the statement : which counsel in cross-examination has asked you about, namely the retention of firemen, that was the intention of the request, assuming they got their way to retain firemen on certain operations. What kind of operations did you have in mind, certain geographical considerations?

A No, principally passenger operations. From our conversations with operating officers and chief executives, the views might vary from railroad to railroad, or vary some with traffic density on certain divisions or sections; but the general proposition discussed was that, and the reasons given were largely public relations rather than absolute necessity, we would probably keep a fireman in passenger service.

THE CHAIRMAN: Have you any questions?

MR. SINCLAIR: I have two questions, if I have your permission to examine the witness.

BY MR. SINCLAIR:

Q One of my questions, Mr. Loomis, arises out of my friend, Mr. Lewis' reference to the demand of the Brotherhood of Locomotive Engineers for

the assignment of an assistant engineer, I think it was in 1943 or 1945?

A That came to issue in both 1943 and 1949.

Q Did the emergency board, or did any authority deal with it and recommend either for an assistant engineer or a second fireman?

A No, both boards recommended that the demands be rejected and denied.

Q Now, my other question is for clarification, Mr. Loomis, and it arises out of questions of the chairman with regard to the basis of the situation in 1956 where the railroads proposed the elimination of firemen at managerial discretion, and where you proposed to keep them. You said something about its depending on traffic density?

A I said that some operating officers and presidents felt that that would enter into their consideration.

Q And did that have to do with passenger --

A Largely passenger, yes.

Q Were there some of the principal roads of the association who took the stand that the firemen should be eliminated from passenger also?

A There were some. There are certainly some who feel that one man operation is as safe or safer than divided responsibility.

THE CHAIRMAN: Do you have any further questions, Mr. Lewis?

MR. LEWIS: Only this, Mr. Chairman.

BY MR. LEWIS:

Q I thought I had read the arbitration board award, Mr. Loomis and I was a little surprised by your statement that the board had found no work for the fireman. Perhaps it is there; I just did not see it.

THE CHAIRMAN: Which award was this?

MR. LEWIS: The 1954 award of the arbitration board, Mr. Chairman. If it is there, all right.

HON. MR. McLAURIN: That is 1943 and 1949 emergency boards?

MR. LEWIS: He referred to the fact that the emergency board award had shown a reduction -- you correct me if I am wrong -- had shown a reduction in firemen's duties and the arbitration board award had indicated there was nothing for him to do.

THE WITNESS: The portion I am referring to appears on page 31 of the opinion, and reads as follows:

HON. MR. McLAURIN: Is the 1943 award?

THE WITNESS: This is the arbitration award in 1954, that interpreted these diesel rules. It is the one I referred to in connection with the definition of high speed passenger service. This appears on page 31:

The evidence does show that at one period in the course of the development of the diesel locomotive, it was necessary to manually operate shutters, purolators and steam generators. It shows also that firemen were assigned these duties and were held responsible for their performance. But this does not mean that they are duties that can be performed only by firemen. Engine room responsibilities have been steadily decreasing with perfection of automatic operating devices. Alarms in the cab

"give ample warning of trouble in the engine room. A fireman on a non-watching rule train can answer the alarm. On a watching rule train, the train can be stopped and the fireman can answer the alarm. But in either case, a maintainer, diesel supervisor or other competent employee or officer on the locomotive may answer the alarm without violating the agreements.

The agreement provides that if an additional employee is needed to perform the duties that are customarily performed by firemen, he shall be a man taken from the ranks of the firemen. This provision means what it plainly says, but it does not mean that a fireman has the exclusive right to perform any and every duty in the engine room that a fireman has been assigned to perform. Such an interpretation would be uneconomical, require unnecessary assignments and interfere with the duty of all properly on the locomotive to use their best efforts to get the train over the road on schedule.

The use of maintainers has almost wholly been discontinued."

BY MR. LEWIS:

Q That refers, as I understand it, to maintainers

travelling with locomotives from point to point?

A That refers to the mechanic ^{and} / electrician I stated earlier, in the early days of diesel, were used by some railroads to travel with the locomotive.

Q Travel over the road with the locomotive, not shop maintainers?

A Yes, and perform maintenance work en route.
I continue quoting:

"Fewer supervisory officers are needed as the diesel locomotive approaches perfection. Engine room patrols are not regularly required because of automatic alarms in the cab. There is little work to be performed in the engine rooms and it can ordinarily be performed en route or at station stops. That which cannot be so performed is the unusual. But, in any event, such work is not exclusively that of a fireman."

That is the portion to which I had reference, Mr. Lewis.

HON. MR. McLAURIN: That is the 1954 award?

THE WITNESS: Yes.

HON. MR. McLAURIN: The arbitration award?

THE WITNESS: Yes.

HON. MR. McLAURIN: Appointed by the disputant parties?

THE WITNESS: Under our procedure in the United States, if it is ~~this kind of~~ ^{a six man} board, two arbitrators are selected by each of the parties, and if those ~~two~~ fail to agree on the two neutral or public members, they are appointed by the National Mediation Board, and in this instance they were appointed by the National Mediation Board. The National Mediation Board is a permanent, standing board of conciliation under the Railway Labour Act, appointed by the President with the advice and consent of the Senate. This award was dated April 13, 1954.

BY MR. LEWIS:

Q The passage you have just read, Mr. Loomis, since the entire award is not before the Commission, the paragraph you have just read relates to the rejection by that arbitration board of the idea that a second fireman should be used?

A That was the only issue before them, whether or not this work was exclusively that of a fireman and whether, because of the watching rule, you needed a second man to perform whatever work there was. But I referred to it in connection with the constantly decreasing work and the improvement of diesel locomotives.

Q I appreciate that. I just want to get this in its setting. This concerns the watching rule largely, the issue of the changing rule which was before the arbitration board?

A The issue before the board was the interpretation of the watching rule in high speed passenger service and whether the fireman had an exclusive right to whatever work there was on the engine.

Q In other words, you correct me if I am wrong, the position was under the watching rule on those trains the fireman had to maintain his seat and his lookout?

A While the train was in motion.

Q And so, he could not go back and make any adjustments or inspection?

A Under the rule, that is right.

Q Someone else, on occasion, did so?

A On occasion, if a supervisor happened to be riding in the particular engine that particular day.

Q And the fireman claimed that -- the fireman claimed that another one should be taken on to do that kind of thing, and that was one of the issues before this board; is that not right?

A Yes, perhaps I had better read the exact question. The question submitted to the arbitration board by agreement was as follows:

"For the purpose of obtaining a more definite determination of the rights and obligations of the parties under the sections of the diesel agreement mentioned below, an

"arbitration board pursuant to the Railway Labour Act shall be set up to determine the following:

Have the carriers violated or are they violating Section 3 of the Eastern Diesel Agreement of August 13, 1943, Section 4 of the Western Diesel Agreement of November 27, 1943 and Section 4 of the Southeastern Diesel Agreement of May 11, 1944?

The arbitration board shall state its findings and conclusions and file a written opinion in support thereof."

Those three regional agreements were incorporated into the agreement executed in May, 1950, on the same day that these arbitration agreements were signed became sections that have been introduced as Exhibit 149.

Q Became the sections or just Section 5 of Exhibit 149, just the watching rule section?

A The three agreements were dovetailed into this. There were different numbers in the three agreements -- I have them here if you want to check them -- and they were dovetailed into one agreement.

Q All I am asking you is this. You said these became what is now in Exhibit 149, and I am asking you whether it is all 149, the diesel rule as well as the watching rule, or just the watching rule? It is just the watching rule,

is it not?

BY THE CHAIRMAN:

Q Have you Exhibit 149 in front of you?

A I think that is right. It would be the watching rule.

BY MR. LEWIS:

Q Which is Section 5?

A I think that is right; it would be the watching rule ^{and} ~~of~~ the provision with respect to other classes of service; it would be Section 5, that is correct. As I say, they said:

"The arbitration board shall state its findings and conclusions and file a written opinion in support thereof."

Q Therefore, this award dealt with the request for a second fireman, in view of the watching rule, and the award of the arbitration board --

A Well, you would have to broaden that a little bit because the claim was also made with respect to freight locomotives where anybody else did anything, so it was not confined specifically to the watching rule.

Q But it was in all cases concerned with a request for another fireman?

A That is right, and the other claim was that someone else was doing the fireman's work.

BY MR. SINCLAIR:

Q There is just one small portion of the opinion that Mr. Lewis will recall -- I cannot

give him the page of it, but he is familiar with it. It provides as follows:

"In addition to claiming that a fireman should be in the locomotive cab at all times --"

This is in the conclusion section --

A This is the 1949 report?

Q Yes, and I continue:

"-- the Brotherhood also maintains that an additional fireman should be assigned to the engine room of diesel electrics. To a large extent, but not entirely, this second claim is dependent upon and grows out of the first. The fireman is now expected to do both cab work and engine room work. If he should be restricted to the cab, then the work he had been doing in the engine room, it is argued, should be assigned to another fireman. We do not recommend that a fireman should be in the cab at all times on all road diesels. There is, therefore, no necessity for any discussion about the need for an additional fireman in order to complement the watching rule proposed by the Brotherhood."

THE CHAIRMAN: From what are you reading?

MR. SINCLAIR: I am reading from the opinion --

THE WITNESS: I can give it to you. It

is from the report to the President by the emergency board, appointed January 28, 1949 by executive order pursuant to Section 10 of the Railway Labour Act, to investigate the facts and report its findings as to a dispute between the carriers represented by the Eastern carriers' conference committee, the Western carriers' conference committee and the South-eastern carriers' conference committee and certain of their employees represented by the Brotherhood of Locomotive Firemen and Enginemen. The report is dated Washington, D.C., September 19, 1949.

HON. MR. McLAURIN: Are we not getting pretty far afield from our particular field? It is not our problem, a second fireman; it is one fireman.

MR. SINCLAIR: I agree with that.

HON. MR. McLAURIN: We are going to have enough trouble without adding to it.

MR. SINCLAIR: The point I had in mind was with respect to that even as early as 1949 it was recognized by boards in the United States that on diesels, and this includes all diesels, passenger, freight and all services, it was not necessary to have a fireman in the cab at all times.

HON. MR. McLAURIN: And their finding was that they did not need a second one; that was the decision.

MR. SINCLAIR: And ergo, he does not

have to be in the cab at all times.

HON. MR. McLAURIN: But that is not what the Brotherhood are saying before us. I mean, all I am suggesting to you, is that that particular judgment should be read for something it said, and not what it did not say.

MR. LEWIS: We do not suggest he should be in the cab at all times.

MR. SINCLAIR: Then, certain arguments flow from that and in 1954 the situation was further clarified, in my submission, by the parts of the judgment of the emergency board to which the witness has referred.

MR. LEWIS: The arbitration board.

MR. SINCLAIR: I am sorry, the arbitration board.

THE CHAIRMAN: And we now have the evidence.

JOHN PARNELL KILEY, sworn.

EXAMINED BY MR. SINCLAIR:

Q Mr. Kiley, you are the President of the Milwaukee Road?

A Yes, sir.

Q And have been President of that railroad since 1950?

A Since September, 1950.

Q And your residence is Chicago?

A Yes, sir.

Q Illinois. You have been in railroad service since graduation from university on a full-time basis, but during the summers of 1913 and 1914 you worked as a rod man on construction on the Milwaukee?

A Rodman and assistant instrument man.

Q Until your graduation from college in 1915, and you are a civil engineer?

A Yes, sir.

Q Then you entered the service of the Milwaukee Road on a full-time basis?

A Yes, sir.

Q And you have been continuously employed by the Milwaukee since that date except when you were away for army service during the first world war?

A Yes, sir.

Q In the period 1915 to 1940 what did you do on the Milwaukee?

A Between 1915 and 1930 I was engaged in surveys in connection with valuations, surveys and analyses in connection with valuations. In 1930 I became Engineering Assistant to the Financial Vice-President making economic studies involved in connection with our receivership and trusteeship. The economic studies were in connection with the acquisition of motive power, freight cars and various budget items involved in construction.

In 1939 I went to the Operating Vice-President as special representative, continuing economic studies.

In 1940 I was made Auditor of Investments and Joint Facility Accounts.

In 1941 I became Assistant to the General Manager.

In 1942 I was made Assistant General Manager in charge of our eastern lines which comprise some 7,800 miles or some such figure. Those are the miles of the road east of the Missouri River.

In 1946 I was made Assistant to the President. In 1947, Vice-President in charge of our western lines, west of Mowbridge, South Dakota. In 1948 I was made Operating Vice-President in charge of operations of the entire system.

In 1950 I was made President and

E have continued in that position until the present.

Q Mr. Kiley, during the late thirties and early forties on the Milwaukee did you have anything particularly to do with the acquisition of diesel power on your road?

A I made all the economic studies covering the purchase of diesel power on the Milwaukee from about 1935, when as I recall we received our first diesel switcher. From that time until we were completely dieselized.

In later years because of the knowledge I had gained in the operation and because of the earlier studies I had made, it was not necessary to make economic studies any longer. All of the studies and all of the recommendations for diesels originated with me.

Q That included road freight power?

A Yes, sir.

Q As well as yard power and passenger power?

A Yes, sir.

Q In making your studies, Mr. Kiley, for the operating people and for the financial people, did you ride engines?

A Yes, sir.

Q Did you ride steam-engines?

A Yes, sir.

Q By the way, as President, for instance, do you spend much time on your railroad?

A Well, I think last year I travelled some 52,000 or 53,000 miles on rails all over the country, and I would guess 75 per cent to 80 per cent was on our own road.

Q Around 40,000 miles?

A Yes, sir.

Q On your own railroad?

A Yes, sir.

BY MR. LEWIS:

Q In the cabs of engines?

A Not always. My last ride in the cab of an engine was a week ago last Tuesday.

BY MR. SINCLAIR:

Q Mr. Kiley, when you are on the road are you generally considered as being close to the cinders, which I believe is the expression they use? Are you known for that?

A Yes, sir.

Q As President did you make in the last year or have you made any observations of yard operations, for instance?

A Yes, sir. I am frequently in our yards at Chicago, Milwaukee and the Twin Cities, where we have our most

important yards. I have been involved, both as Operating Vice-President and as President, in the design of the new type of yard we have put in at the Twin Cities, Chicago and Milwaukee. I have been involved in the design of the flat switching yards, such as we have modernized in the last seven or eight years all over our system.

Q In your day-to-day work since you have been in the operating department from 1940 what has been your particular interest in railway matters?

A Locomotives principally, but the handling of cars and the handling of trains has always been a hobby, but particularly the handling of our locomotives because early in my operating experience as Assistant General Manager we had just a very few road freight diesels and we had so much difficulty with our mechanical people attempting to keep these locomotives operating properly because they had been steam men and they were a little loath to accept the new method of locomotion.

Q Mr. Kiley, I would like you to tell the Commission why you come from another jurisdiction to give evidence in these proceedings?

A Well, I came up here as a result of a

request by the Canadian Pacific Railway.

I also think that if the railroads are to continue to provide gainful employment and to meet their competition which is substantially subsidized it will be necessary for them, for the railroad industry to eliminate all unnecessary expenditures and to cut costs wherever possible consistent with proper operations.

Q Mr. Kiley, I wish to ask you certain detailed questions about the Milwaukee, and first I should like to have before the Commission a map of the Milwaukee Road which I would ask to be filed as Exhibit 150.

EXHIBIT No. 150 -- Map, Milwaukee Railroad.

BY MR. SINCLAIR:

Q You have that map of the Milwaukee before you, Mr. Kiley, which is now Exhibit 150. Would you mind marking it, please? I would point out to the Commission that inserted in the bottom of Exhibit 150 is a profile of the main line of the Milwaukee. The main line of the Milwaukee runs from Chicago to Seattle via Milwaukee, the Twin Cities of Minneapolis and St. Paul, and through Spokane in Washington; is that correct?

A Yes, sir.

BY THE CHAIRMAN:

Q What is the difference between the heavy type and the lighter type?

A The double lines are double-track lines; the single heavy lines with just the white dots are single-track lines.

BY MR. SINCLAIR:

Q I notice a line of the Milwaukee extending west from Chicago to Omaha and Nebraska. Is that one of your major lines, Mr. Kiley?

A Yes, sir. That is a heavily travelled line, both passenger and freight, connecting at Omaha with the Union Pacific, the Rock Island, the Missouri Pacific, the Burlington, the Northwestern and several other major railroads. It is principally a connection for us with the Union Pacific.

Since October 1955 we have handled between Omaha and Chicago the primary passenger trains of the Union Pacific and Southern Pacific coming to Chicago, known as the City Trains. They are high-speed stream-lined trains making the run generally from Chicago to the Pacific coast in less than 40 hours, or around 40 hours.

Q The Milwaukee Road has a high-speed passenger train known as the Hiawatha?

A We have three Hiawathas between Chicago and Minneapolis. We have the Morning Hiawatha; we have the Afternoon Hiawatha and we have the Olympian Hiawatha which also extends from Minneapolis to Tacoma, making the run in some 43 or 44 hours.

Q The previous witness, Mr. Loomis, referred to the watching rule which requires two men, the engineman and the fireman, on high-speed passenger trains making a 60-mile schedule over subdivisions or making stops only over 80 miles; how many of that type of train would you have on the Milwaukee?

A We have the three Hiawathas and we have the four City Trains. The Hiawathas operate from Chicago to Minneapolis and from Minneapolis west. All of the territory west of Minneapolis is not in the high-speed category, particularly through the mountains.

There are also the City Trains between Chicago and Omaha. There is the City of Los Angeles, the City of Portland, the City of San Francisco, the City of Denver and during the summer season, The Challenger which also runs out to Los Angeles.

BY HON. MR. McLAURIN:

Q In connection with your operations with the Union Pacific, do you provide your own motive power?

A It is a joint venture. The motive power and the cars go through.

Q When I get on a train at Chicago to go to San Francisco what am I on, the Union Pacific?

A You are on the Milwaukee Road until you get to Omaha. You might be pulled by a Union Pacific or you might be pulled by a Milwaukee engine.

Q Would I buy a Union Pacific ticket?

A You buy a ticket marked for San Francisco. You would buy a ticket that would be Milwaukee from Chicago to Omaha, and Union Pacific from Omaha to Ogden, and Southern Pacific from Ogden to San Francisco.

Q In other words, if I told my friend I was coming to the coast I would say I was taking the Union Pacific to San Francisco?

A No, you would say you were taking the City of San Francisco on the Milwaukee.

BY MR. SINCLAIR:

Q About what proportion of the territory of the United States is served by the Milwaukee Road?

A We operate in fourteen states and those fourteen states make up about 40 per cent of the area and about 27 per cent of the population.

Q How many miles of first main track has the Milwaukee?

A We operate 10,628 miles of first main track; we have 1,041 miles of second main track, and a very small amount of third and fourth main.

Q We had a figure in one of the earlier exhibits filed by Mr. Fraine of first main track mileage on the Milwaukee of 10,641 as at the end of 1955?

A There have been some abandonments of branch lines since that time.

Q Is that figure that we had of 10,641 right for 1955?

A That is the way I recall it. It was 10,640 something at the end of 1955, and at the end of 1956 it was 10,628 miles.

- Q Now, of your first main track mileage how much is covered by double track?
- A There is about 1,041 miles of second main track.
- Q So that means that that thousand odd is double track railway?
- A That is right.
- Q Now, I note from Exhibit 150 that certain portions of your main line west to the Pacific Northwest is electric, and these are marked on Exhibit 150 and they are from --
- A Harlowton, Montana, to Avery, Idaho, 440 miles, and from Othello, Washington to Seattle and Tacoma, 216 miles.

THE CHAIRMAN: I have not noticed where that is.

THE WITNESS: Do you see those arrows, Mr. Commissioner?

MR. SINCLAIR: Underneath them is written "lines electrically operated 440 miles", and "lines electrically operated 216 miles", showing the sections of the Milwaukee that are electrified.

BY MR. SINCLAIR:

- Q Do you run any diesel power in that territory?
- A As a general rule we do not. We do frequently if something happens to the electric locomotives at the ends. We have passenger trains coming to the electrified territory with diesels and we can run them through part way or all the way if necessary.

BY THE CHAIRMAN:

Q Are these overhead wires?

A Yes, sir.

BY MR. SINCLAIR:

Q Do you ever use diesels to supplement electrics in freight service in the same consist?

A During the war, because of the increase in traffic and the inadequate amount of equipment we had for the heavy movement, we used diesels in that territory to a very great extent. At the present time we do not use diesels as supplementaries although we are making some tests of that at the present time.

Q Now, looking at the profile of the Milwaukee as shown at the bottom of Exhibit 150, I note that you have two grades, or one at Loweth of 5,799 feet?

A Yes, sir.

Q And another one at the continental divide where you go over the divide and that is 6,347 feet?

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q And then farther on where you have the St. Paul Pass tunnel near Avery your track there is 4,170 feet above sea level. Is that correct?

A I think that is right although it may be a misprint there of 4,770. I could not be sure but that is the summit of the Bitter Root mountains. It indicates 4,170 on the map here

but it is kind of blurred. It could be one or the other.

Q So in travelling west on your line and starting at Chicago, which is 883 feet above sea level, you move across the great plains into Montana and start to climb and reach one peak at Loweth. Then you climb again and reach the continental divide and then you climb again near Avery which is in the state of --

A Avery is in Idaho. That St. Paul Pass tunnel is the summit of the Bitter Root mountains. Proceeding west we go over the Saddle or Rattlesnake mountains just west of the Columbia river which we cross at Beverly. Then we have at Hyak our Snoqualmie tunnel which is the summit of the Cascade mountains.

Q What state is Loweth in?

A That is in Montana. The St. Paul Pass tunnel crosses the state line of Montana-Idaho.

Q Is Loweth within your electric zone?

A Yes, our electrification covers our principal mountain territory, our heavy grade territory in the west.

Q And what is your speed on passenger trains in mountain territory on the Milwaukee?

A Well, our speed all over our system is regulated on the basis of the curvature. East of Minneapolis, between Minneapolis and Chicago, our maximum speed is 90 miles an hour. We have cab signals in that territory. West of

Minneapolis our top speed, and this is all the way to the coast, is 79 miles, but in the mountains where we have heavy curvature that speed goes down to as low as 25 miles an hour.

Q What is your freight train speed on the Milwaukee, Mr. Kiley?

A The maximum speed between Minneapolis and Chicago and between Omaha and Chicago is 60 miles an hour, on the other main lines it is around 50 and 55, and in the mountains again it goes down to 20 and 25 miles an hour.

Q What types of traffic do you handle on the Milwaukee system? Have you any particular type of traffic or are you a general carrier?

A We are general generally, but about 50 per cent of our traffic is products of agriculture, products of the forest and products of mines. Our Indiana lines are principally into the coal territory of Indiana and also is the point at which we receive a very large interchange of coal traffic moving from the east. We also have some coal traffic originating at Roundup, Montana, and at the head of the lakes near Duluth, which is principally eastern coal.

Our lumber products are principally originating on our lines in the western territory and Washington and in what is called the inland empire in the vicinity of Spokane. We also have some lumber that

originates in western Montana and some, to a very small extent, in Wisconsin and upper Michigan.

Q Are you a grain carrying road?

A Yes, sir, very heavy in grain.

Q Taking your system generally, how would it compare with the type of terrain and type of traffic handled by the Canadian roads?

A I am not too familiar with the type of traffic you handle in eastern Canada but in British Columbia and that territory that is to a great extent comparable to our Washington and Oregon lumber in the west. You have your grain in Saskatchewan and Alberta, and I think, while the Canadian Rockies are somewhat more rugged than our Rocky Mountains and our Cascades Mountains, I think the problems we have in connection with operation are quite similar.

Q Now, based on your studies of steam power in connection with your various work on the Milwaukee, I would like you to tell the Commission what your experience was as to the duties of firemen on steam power on the Milwaukee?

A Well, on steam power the duties, the primary duties, of course, were to keep steam in the boiler of the locomotive and that in hand-fired locomotives required the shovelling of coal. He also had to watch the various gauges and make sure that there was an adequate supply of water in the boiler. He had to keep

the fire going so there was an adequate supply of steam. In stoker-fired locomotives, of course, the major portion of the handling of the coal was done with the stoker, and about all that was necessary there except for an occasional shovel to even out the fire, he had to just make sure that the coal supply was getting into the stoker trough.

Q On hand-fired locomotive power on the Milwaukee up to how much coal would a fireman shovel over a run?

A Well, of course, that depended to a great extent on the class of power, the kind of service and the load they were carrying. It has been a long time since I have ridden a hand-fired locomotive but my recollection is that on our heavier type locomotives they might shovel up to 15 or 20 tons of coal in a trip over a subdivision or during their tour of duty, and on switching locomotives it might vary anywhere from 2 to 6 tons, and in branch line operation it might be somewhat similar to the hand-fired in the lighter switcher engines.

Q Mr. Kiley, based on your observations of hand-fired steam power, did you in making your observations come to a conclusion as to the amount of time the fireman was on the deck looking after his fire?

A If he was on a heavy job he would probably be on the deck anywhere from 50 per cent to 75

per cent of the time. On a light job it might be only 25 per cent to 50 per cent, depending on the amount of work that was necessary.

Q Have you ridden stoker engines on your railway?

A Yes, sir.

Q And made observations with regard to the performance and the work load of employees, firemen particularly, on stoker power? You nod your head.

A Well, I have ridden those and I have made observations on those. My recollection of the time that it takes is somewhere around 25 per cent to 40 per cent of the time they would be on the deck, depending on whether they had any difficulty with the coal, difficulty with the fire and difficulty with the stoker.

THE CHAIRMAN: I think we will adjourn now,
Mr. Sinclair.

---The Commission adjourned at 12.30 p.m. until 2 p.m.

Monday, April 15, 1957

AFTERNOON SESSION

--- The Commission resumed at 2:00 p.m.

JOHN PARNELL Kiley, Recalled

EXAMINED BY MR. SINCLAIR:

Q Mr. Kiley, when did the Milwaukee get rid of its steam power?

A The last unit was retired in March of this year, but we have not operated any steam power in regular train service for almost two years. This last unit was kept as a protection for a thousand horsepower motorcar that operated over a very light branch line with bridges that to be fixed up for passenger diesel power would have entailed the expense of some \$1,500,000; so we found a way to protect the service without utilizing the steam locomotive, so it has been retired.

Q Now, when did you first get your diesels on the Milwaukee?

A As I recollect now it was 1935 we got the first diesel switchers. I think our first passenger engines came in 1938 and our first freight engines in 1940 or 1941.

Q Around 1949 how many of the diesels would you have had, road diesels?

A Road freight diesels?

Q Yes.

A About 52 units: we had 13 4-unit locomotives until that time and thereafter we acquired

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additional ones.

Q Now, when was the big application of road diesel power to the freight operations of the Milwaukee?

A Subsequent to 1949, I think in -- or in the last part of 1949 we began the first big bulge of diesel, and from then we acquired a very large number of diesels until we completed our dieselization, except for some passenger engines in connection with the acquisition of the city trains that I previously spoke about; we substantially completed our dieselization early in 1955.

Q Around, 1949 to 1950, how many passenger units would you have had?

A At that time we had --

Q Diesel units.

A The diesel units, as I recall it, 26, 28, 20 2,000 horsepower Fairbanks Morse and 8 -- no, I am wrong. There were 32 -- 34, 7 14,000 horsepower electric motive --

Q General Motors?

A General Motors.

Q And the balance were Fairbanks Morse?

A Yes; we had 20 units of Fairbanks Morse.

Q In 1949 and 1950 how many yard diesels would you have had?

A Probably some 125 or 150 yard diesels.

Q And what is your inventory of diesel power today?

A Approximately 700 diesel units, units of diesel power, and 100 units of electrics.

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We have 100 electric units in addition. These are all classed as "other locomotives."

Q Of those 700 less than 200 of all classes you had prior to 1949 and 1950.

A Yes. I think at the end of 1949 we had 178 diesel units of all classes.

Q Of passenger and freight?

A Yes.

Q Now, what was the experience of the Milwaukee with these earlier diesels, Mr. Kiley?

A We had considerable trouble, some of it because of our own inexperience in operating and some because of the earlier development of this class of power.

Q As time has gone on, taking the period from 1950 to the present, what has been your experience with diesels as to trouble on the Milwaukee?

A Well, it has been gradually decreasing because with the maintenance people becoming more familiar with them, finding out the weak points, the improvements that have been made by the manufacturers, as a result of the experience of all railroads, have resulted in making the diesels much more dependable and also much more automatic.

Q Has it or has it not been the experience of the Milwaukee that as diesels get older they cause more trouble?

A Well, we have had better experience with the

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older diesels in the last couple of years than we had previously because our people are becoming more familiar: I mean, our mechanical people are becoming more familiar with them and we are making improvements in our maintenance practice continuously that give us a better operation than we formerly had.

- Q Have you any diesel switchers of under 90,000 pounds weight on drivers?
- A We have nine units of what we call our 44 ton diesels. They are used both in switching service and in road service. We originally had 11 we bought in the early 1940's.
- Q In running these under 90,000 pound weight on drivers diesels in road service where would you use them?
- A On the very lightest density branch lines that have very little grade because they do not have sufficient power to haul many cars or to go at any speed.
- Q When you run these under 90,000 pound weight on drivers diesels on the road do you include in the crew the fireman as part of the crew assignment?
- A Yes, sir.
- Q Why do you do that?
- A Well, that came as a result of the settlement of these diesel cases that Mr. Loomis testified about.

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Q What about your operation of these under 90,000 pound weight on drivers diesels in the yards?

A We use only two of them in yard operations, one in Iowa and one in Minnesota. Some of the remaining nine, I do not know whether two or three of them are leased to other companies; one is a connecting railroad, a small short line railroad, and one to a lumber company in the west.

Q With respect to the ones that you are presently using in yard service, Mr. Kiley, of these under 90,000 pound weight on drivers diesels, what is the situation as to crew assignment? Is a fireman assigned as part of the crew in switching?

A No, sir.

Q Again you do that why?

A For economy.

Q Does the agreement that you have with the firemen's brotherhood allow you to do that?

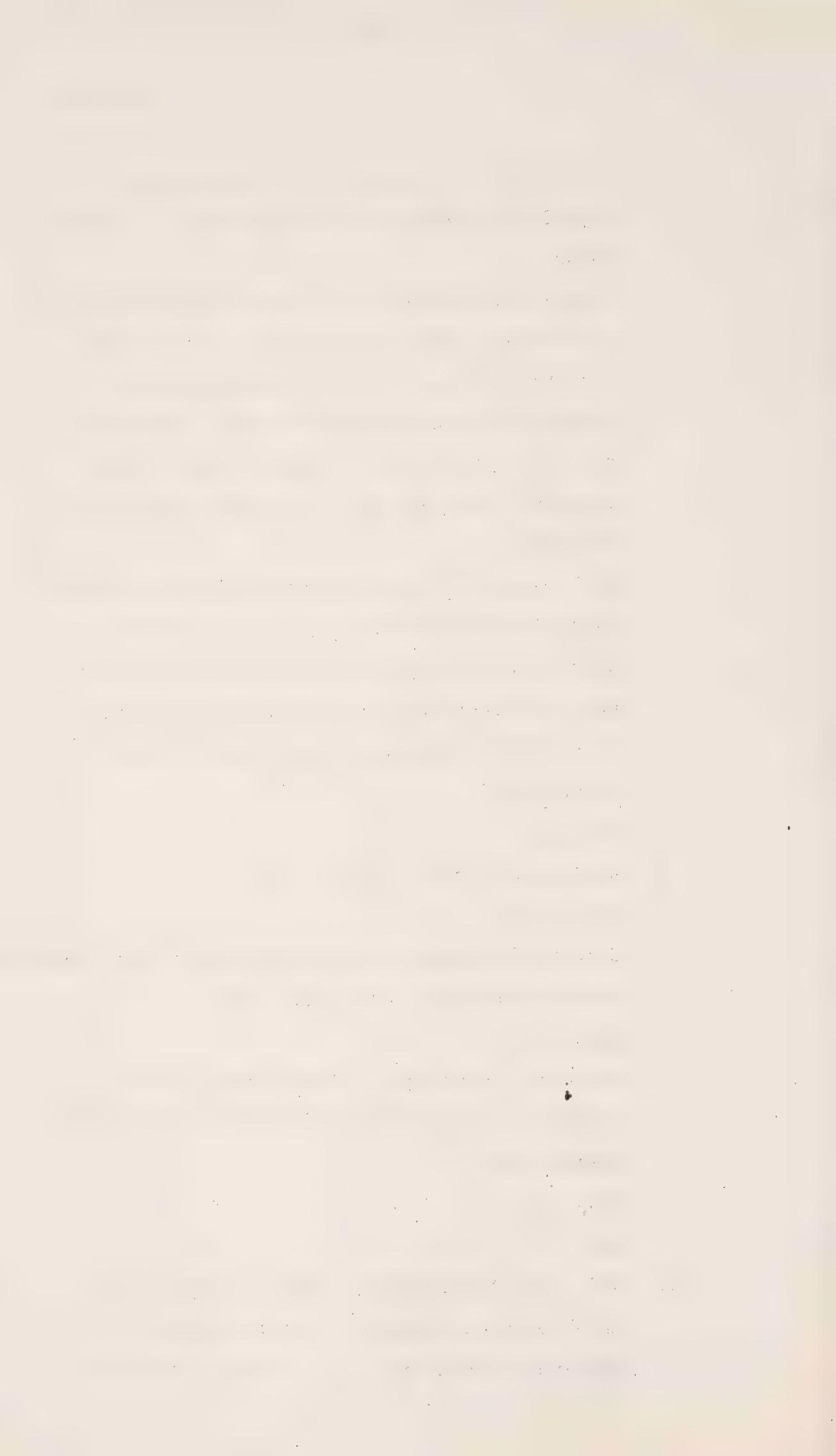
A Yes, sir.

Q Have you bought any of these under 90,000 weight on drivers diesels recently for switching operations?

A No, sir.

Q Why?

A Well, for two reasons. First of all, if you have to put a fireman in the cab there is not much economy as far as crew is concerned,



and, secondly, because of their light weight they are not susceptible or, not able to perform a reasonable switching performance except in very light industrial switching.

Q Now, what work or activity is carried on by firemen on the diesel power on the Milwaukee first in road service?

A In road passenger? Diesel firemen, of course, on the trains that are subject to the watching rule are not permitted to leave the cab. They do work, make whatever adjustments are necessary ; whenever the alarm bell rings they do have to go back; they do act under the rules at the first stop, and they have their responsibility in keeping the steam generator in operation if anything goes wrong, but they are not supposed to leave the cab unless the locomotive is stopped. On the others that are not subject to the watching rule they have the same responsibility; in road freight engines there is very little for them to do, but on some of the older locomotives that I have talked about, those 52 units, I am not certain that all of the functions of those units have been made automatic. I do know that the shutters all open quite automatically because we found that with automatic operations we get a better performance of the engine. As far as the rest is concerned, I am not too sure, but the amount of the other locomotives that we have are all purchased after they began making



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these functions automatic, and for those there is practically nothing for him to do.

Q Have you got both carbody and hooded yard road switcher type diesels?

A Yes.

Q In road service?

A Yes. The majority of our symbol freight trains are operated with what you characterize as carbody diesels. The road switchers were not developed until after the car bodies were, and we have fewer of these than -- not fewer, but it was only in the latter years of our acquisition of additional freight power, that we bought the road switcher type locomotives.

Q What is the policy of the Milwaukee as to its further purchases of diesel power of that type? Do you intend to purchase--

A Oh, well, we have not bought any more car body type diesels except a few to fill out the intermediate units where we wanted to put more power on a specific line: we have not bought anything but the road switcher type diesels and we will not buy any more of the car body type.

Q Why did you buy the car body type, Mr. Kiley, to fill out, as you said?

A Principally because of the appearance of a road switcher that might be put in intermediate in a car body type locomotive: it worked just as well, and we operate some of them in that way but we did buy some of these additional car body

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types so that we would have a more pleasant appearance.

Q For no other reason?

A That is right.

Q That reason alone.

A That is right.

Q Now, on the road switcher type of diesel on the Milwaukee, do the firemen patrol in motion or do they not?

A No, there is nothing to patrol; they can get out and walk on the cat walk, but they could not open up the doors of the hooded type unless they were going at very slow speed because the wind would make it unsafe to do so.

Q On the Milwaukee, what about moving between say a consist of two or three road switchers operating in multiple.

A Some of our earlier purchases of road switchers did provide a cat walk that went over the cupolas but they have not been acquired on any of the more recent ones, and we found that even the ones that were acquired, when the cat walks were down, they were not in accordance with the I.C.C. state safety regulations, so that we dropped those out of the picture then.

Q Do you or do you not require the fireman to patrol car body types?

A We have no instructions now, as far as I know, requiring them to make any specific patrol.

In the earlier units we did require them to patrol

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I think every 20 or 30 minutes, and in the early operations of them a good many times they did patrol a good deal more often than that time.

Q From your experience with the early type of diesels -- and I take it from what you have said that this goes back to about 1949 and 1950 -- between the older type and the newer type --

A Yes.

Q And the ones that you purchased before 1949, in your opinion, from your observations and knowledge of the diesels, was patrol necessary by firemen?

A Well, in the early days I think it was because they had these manual type of shutters and purolators and the other hand-operated controls, manual controls, that made it necessary to do it.

Q Now, what has been your experience on the Milwaukee about protective devices applying recently, from your knowledge?

By "protective devices" I mean ground relays, low lub, hot engines, and engine over speeds.

A They still have those alarms, and occasionally the alarm bell rings, and in the passenger diesels most of this can be taken care of right from the cab; either shut off -- you can blow down the soot blowers on the steam generators and they can control most of this from the cab, and when they cannot they have to reset the relays by going back into the cab of the

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unit, Now, in freight locomotives we do not have this same control because we do not have the steam generators with freight locomotives, and as the result when they have 'to they go back and make a reset or make whatever adjustments are necessary on the freight locomotives.

Q From your knowledge has there been much application of protective devices, these diesel protective devices, to freight operations on the Milwaukee?

A Oh, yes, I feel quite sure that all of our shutters to control the temperature of the locomotive or diesel engine are, on all of our units now, and of course, all the more modern locomotives have got the most recent applications of automatic operation.

Q What has been the experience of the Milwaukee as to these various protective devices applying in road freight operations, these four basic ones that I mentioned. Have you had many or what has been your experience?

A What do you mean, those --

Q The low lube and hot engine --

A We have some of those, but not too many. We have a relatively small number.

Q From your experience, have you got any average on the number of, say, so many freight trips per alarm applying; have you any information in that regard?

A I have some information, some reports that indicate I think we have an alarm somewhere around every 900 or 1,000 miles; some such figure.

Q Is that freight or freight and passenger?

A That is freight.

Q And on the Milwaukee, how many units do you

use coupled in multiple?

A Up to five.

Q What is the general consist of a diesel locomotive on the Milwaukee?

A The majority of our locomotives, both freight and passenger, are coupled in groups of three.

Q What is the situation, in so far as the Milwaukee is concerned, Mr. Kiley, about safety of operations? What is your position on your railroad as to safe operations and what do you do about it?

A Well, of course, that is the cardinal principle on our railroad, and the whole of our railroad industry, that safety comes first. It is in all of our rules. It is something we are continually driving at all the time, to provide all of our people with a safe place to work and under safe conditions.

Q Do you, on the Milwaukee, take any interest in safety, as President?

A Yes, I take a very great interest in it because it is not only a great humanitarian thing, but it is also a great efficiency thing because injuries are a waste, whether they cost money or do not. They are a waste of manpower; they are a waste of money and they are certainly a waste of suffering because it is unnecessary in most cases.

During the last two years we have improved our safety performance very materially.

I think at the end of 1956 and 1955 we were fourth in the Class A railroads which are those with over -- I do not know what the distinction is, but it is the larger railroads, and our safety figures, as I recall it, were around four injuries per million man hours, that is four reportable injuries.

Q What was your road accident ratio on employee negligence, that is per million locomotive miles; do you recall that one?

A No, I do not. I have not seen that tabulation or any of the tabulations of the Interstate Commerce Commission that sets that out. I have been told that our ratio is something around three per million train miles.

Q Now, on the Milwaukee, on your diesels from our observations and studies, what duties has a fireman that are distinct from the duties of the other members of the crew, leaving aside boilers in passenger power?

A Well, it seems to me they are entirely overlapping because you have a head brakeman with the same responsibilities of watching as the fireman has; you have the engineer who is in charge of the locomotive and has some responsibility to keep the operation properly conducted, making whatever adjustments are necessary in the diesel locomotive. I do not know of any exclusively fireman function.

Q Firemen on the Milwaukee, have any craft

rights been transferred in the application of diesel power and the dieselization of the Milwaukee to other members of the crew?

A No, sir.

Q In regard to the firemen's duties on the diesels on the Milwaukee, have you any document to show where boards or commissions have looked into that and set out what duties the firemen have?

A Yes, there was a report of the arbitration board which was dated April 13, 1954, and on page 30, in the second paragraph, I quote:

"The evidence shows, we think, the change from steam to diesel power left little or nothing for the fireman to do. The attempt of the organization to make it appear that the duties of fireman on steam locomotives could be traced into the engine room of the diesel locomotive simply cannot be accepted as a logical analysation of the situation. The two types of power are not similar or analogous. The rights of firemen on diesel locomotives are contractual and not traditional."

BY THE CHAIRMAN:

Q I suppose that was a majority report, was it?

A That was a report of the arbitration.

Q Was it a majority report?

A There was a dissenting opinion from the Brotherhood members; it was a majority report.

BY MR. SINCLAIR:

Q Mr. Kiley, in the United States has there been any history of the operation of trains without firemen being assigned to the operation?

A Yes, sir.

Q In what type of service?

A In electric, what they call M-U service of Class 1 steam railroads and in interurban railroads; there were formerly interurban or electric traction railroads that were quite prevalent in the early 1900's in the United States.

Q Now, what about other than that type? Have you, on the Milwaukee, had any experience personally with the operation of diesels prior to the 1937 diesel agreement?

A We had an operation with gas-electric switchers in the Chicago terminal until the 1937 report. Those locomotives were purchased in 1927 and were operated for ten years without firemen.

Q How many did you have?

A We had two of them.

Q Is that all?

A That is right.

Q You did not have any diesel switchers before 1937?

A Yes, we had some in Wisconsin, but those were operated with firemen because of the State law

that required it in that particular state.

Q Was that the full crew law, so-called?

A Yes, sir.

Q Well now, about these traction interurban railways you have been speaking of, you have prepared certain tabulations in that regard and I should like to file, Mr. Chairman, as Exhibit 151, four tabulations that were prepared by Mr. Kiley and put them in as one exhibit.

Starting on page 1, Exhibit 151 is composed of Intercity Electric Railways, United States; page 2, Class 1 Intercity Electric Railways, 1954; page 3, Passenger Motorcar Propelled Train Operations, Class 1 Railways; page 4, Passenger Rail Motorcar Propelled Train Operations, Milwaukee Road.

EXHIBIT No. 151 -- Mr. Kiley's statement on interurban operations without firemen.

BY MR. SINCLAIR:

Q Now, looking at this exhibit and taking sheet 1, would you please comment on that?

A Yes, that shows that the number of carriers reporting to the Interstate Commerce Commission in the year 1921 totalled 303, and in 1954 that had decreased to 43; miles of road operated decreased in those 33 years from 14,438 to 1,650; railway operating revenues decreased from \$235,288,515 to \$63,624,186; investment in road and equipment decreased from

I-2
\$1,529,065,210 to \$335,384,867.

BY THE CHAIRMAN:

Q I suppose the intercity electric railway does not include such a railway as the Milwaukee, even as to its electrified portions?

A No, sir.

Q What is an intercity electric railway?

A In general, they were operated principally in passenger service, prior to the days of the automobile and the highway, to connect the smaller towns.

BY HON. MR. McLAURIN:

Q Street cars that went into the country?

A That is right; it is a good way to describe them.

BY MR. SINCLAIR:

Q Now, in so far as them being street cars, as they stand today, taking some of the roads around Chicago that are shown on Exhibit 2, what kind of power have they got, on page 2 of Exhibit 151?

A Now, the Chicago Aurora and Elgin; Chicago, North Shore and Milwaukee; Chicago, South Shore and South Bend, they all use electric power.

Q What type of electric power, Big Joes, Little Joes?

A In passenger service they use multiple units electric car with a motorman but no fireman.

Q What about freight operations?

A The freight operations are the same; they use just a motorman and no fireman, although they use a locomotive similar to -- in the case of the South Shore it is similar to some of the locomotives that we have in our electrified territory.

Q What tractive power do they have?

A The ones we have on our railroad are 5,300 h.p. with 3,000 volts.

On the South Shore they operate at 1,600 volts and I suppose they would have 2,650 h.p. I could not convert that readily without --

Q A table?

A Without our diagram book to show how much weight on drivers they had. Some of the locomotives on the South Shore were locomotives built originally by General Electric for sale to the Soviets and they were not permitted to deliver them so we bought some and the South Shore bought three. We bought twelve.

Q The ones you bought, are they or are

they not used on main line operations?

A Yes, sir.

Q They are used on main line operations?

A Yes, sir, they have been used both on main line passenger and freight.

Q On the Milwaukee?

A On the Milwaukee.

BY THE CHAIRMAN:

Q Do they have a fireman?

A Yes, sir, on the Milwaukee.

Q But on the Chicago North Shore and the Chicago South Shore, they do not?

A That is right. These particular -- all these inter-city electric railways in their reports to the Interstate Commerce Commission do not show in their classification of employees any firemen.

Q What is the reason why you use them and these other railroads do not?

A Contractual obligations.

BY MR. SINCLAIR:

Q With the firemen's union?

A Yes, sir.

Q Taking these various roads referred to on Exhibit 151, do you know anything about the roads other than the Chicago ones personally? For instance, suppose we start from the beginning?

A I have never been on the Bamberger Railroad. That is a railroad that operates near Salt Lake City.

The Butte, Anaconda and Pacific, that is owned by the Anaconda Copper Company and hauls their ore from Butte to Anaconda where it is smelted.

Q Have you seen that operation?

A Yes, I was on it within the last three weeks.

Q Is that a freight or passenger operation?

A That is solely freight now. Until about a year and a half ago they had one passenger car that they hauled back and forth because they used our depot in Butte to do it.

Q But it is now all freight?

A Yes, sir. The Chicago, North Shore and Milwaukee is primarily passenger, but they do have some freight, particularly in connection with the Northwestern, the Milwaukee and the Elgin Joliette and Eastern Railroad.

The Chicago, South Shore and South Bend is primarily a passenger operation but they do handle a considerable amount of freight business.

The Fort Dodge, Des Moines and Southern is primarily freight. It was originally passenger. I am not sure whether they do run any passengers at all any more.

The Hudson and Manhattan is the tube connecting Newark with New York City.

Q That is passenger?

A Yes, sir.

Q All passenger?

A As far as I know it is all passenger.

Q The Niagara Junction?

A I do not know anything about that. The Pacific Electric originally provided interurban and inter-city service in Los Angeles. It was owned solely by the Southern Pacific. They gradually changed from electric cars to buses, but they also had quite a substantial operation of freight. I think within the last year or two Southern Pacific sold all its passenger operations to another company.

Q Now Pacific Electric is exclusively or at least largely a freight movement?

A Yes.

Q And Piedmont and Northern?

A I know nothing about that.

The Portland Traction Railway;
I know nothing about that.
The Waterloo Cedar Falls and Northern.
This operates from Cedar Falls, Iowa,
to Waterloo, Iowa. Originally it was
principally passenger and in later
years it was practically all freight.
Within the last year it was sold to
the Illinois Central and Rock Island,
I believe.

Q In all these operations, whether freight or passenger, Mr. Kiley, in so far as you have been able to ascertain, is there any second man, any fireman or helper assigned to the crew?

A As far as I have been able to find out there is not.

BY THE CHAIRMAN:

Q Do they use the same kind of electric locomotive that you do?

A The South Shore and South Bend is the only one that has exactly the same type as we have. All of their electric locomotives are not the same as ours; some of them are different, but they do have one class of locomotive that was constructed exactly the same as ours.

BY MR. SINCLAIR:

Q What about the other companies, do you know what kind of electric motive power they have?

A The Butte, Anaconda and Pacific operate electric locomotives in multiple units. They are locomotives rather than cars, electric cars. The Pacific Electric, the North Shore, the South Shore -- the Chicago Aurora and Elgin, on the 28th of this month it is abandoning its operations under authority of the State of Illinois Commerce Commission.

Q That was the only one we did not discuss as we went down the list, and that railroad is going out of existence and that is why it was missed.

Then taking the other roads, the Butte, Anaconda and Pacific. You say it operates electric power in multiple?

A Yes, sir.

Q Hauling ore. Then the North Shore, do they operate their power units in multiple?

A I could not be certain; I believe they do.

Q What about Fort Dodge, Des Moines and Southern?

BY THE CHAIRMAN:

Q Supposing they do not; how does the Chicago North Shore pull its cars, or whatever it pulls, and how does the Chicago South Shore pull theirs?

A In passenger service they both use the same method, they both have electric motor cars. In freight service they both use locomotives, but I could not say for sure that they use those locomotives in multiple. That is, there may be one single unit rather than two units working together.

Q How does the single unit compare with your single unit?

A Three of the South Shore --

HON. MR. McLAURIN: And the Pacific Northwest?

THE WITNESS: Three of the South Shore units are identical with ours except that they are operating on 1,500 volts instead of 3,000 volts that we operate under.

BY THE CHAIRMAN:

Q But what is the comparison? Where it is not a car that pulls other cars but where it is some kind of a locomotive that pulls cars, are there any of these railroads other than the Chicago South Shore which have electric locomotives, either singly or in multiple units, to do the work?

A The Butte, Anaconda and Pacific, the North Shore and Milwaukee and the South Shore and South Bend, and the Fort Dodge and Des Moines and Southern, and the Waterloo, Cedar Falls and Northern -- I cannot be certain whether they use an electric car --

Q Who do you mean by "they"?

A The Fort Dodge, Des Moines and Southern and the Waterloo, Cedar Falls and Northern-- I could not be sure as I have never seen their locomotives and have no recollection of what they use.

Q Then as far as my question is concerned, you really only know about Butte, Anaconda and Pacific?

A The Butte, Anaconda and Pacific, the Chicago North Shore and Milwaukee and the Chicago South Shore and Milwaukee.

Q And the locomotives they are using, while some of them are single and some of them are in multiple, the locomotives they are using are the same although they may be of different manufacture?

A That is right.

Q How would you compare the functions of a fireman on your locomotives with the functions of a fireman on those?

A I would not think there was any difference.

BY MR. SINCLAIR:

Q How fast do these inter-city lines run, for instance the passenger operation; what speed do they go at?

A The North Shore and Milwaukee and the South Shore and South Bend have a maximum speed of 79 miles per hour, which is comparable to our speeds on lines other than the line between Chicago and Minneapolis. It is also comparable to the type of speed that we obtain in our suburban service around Chicago, the commuter service, whatever you want to call it.

Q Are those two Chicago roads you have spoken of operating in and out of

metropolitan Chicago?

A Yes, sir. The Chicago South Shore and South Bend operates over the Illinois Central from Kensington, Illinois, right into the heart of Chicago. The North Shore and Milwaukee operates from Evanston, which is about ten miles north of Chicago, into the central area. They come in on rapid transit tracks.

Q What about the freight operations? What is the maximum speed for freight on those roads, or do you know?

A No, sir, I do not know.

Q Have you seen their freight trains running?

A Yes, sir.

Q How do they look? How do they compare to yours?

A They would not run or operate as fast as we do because their lines are not as long and their hauls are not as long. I would guess that they would not go over 25 miles or at the most 30 miles per hour.

Q Are they transfer roads? Do they handle transfer traffic in the metropolitan area, the South Shore, for instance?

A Their freight operations come into the centre of the city to connections with the Illinois Central. In the case of the North Shore and Milwaukee, they connect with the Elgin, Joliette and

Eastern, which is the belt line around Chicago.

Q Would their transfer operations in metropolitan Chicago compare with yours?

A I do not think it would be as heavy. We run very heavy transfer trains in the city of Chicago.

Q How many cars?

A Up to 110 cars.

Q Looking at page 2 again, do I take from that that the car-miles of these inter-city electric railroads which reported to the I.C.C. for the year 1954 was 50,152,943, both passenger and freight?

A Yes, sir.

Q And with revenues of pretty near \$50 million?

A Yes, sir.

Q Now, Mr. Kiley, that is one type of operation without a fireman or helper. What is the next type that you wish to draw to the attention of the Commission?

A Passenger motor car-propelled train operations, Class I railroads.

Q That is shown on page 3 of Exhibit 151?

A Yes, sir.

Q What is your comment there?

A That shows the growth of the motor car-propelled trains on Class I steam railroads from 1929 to 1955; it shows

a substantial increase up until 1934 with a gradual reduction thereafter until 1955 when it was down to 9.7 per cent of the total passenger train miles. The car-miles in motor car-propelled trains has not materially changed in twenty years. There has been an increase of one car per train, that is all.

Q Those car-miles per train, that is similar to the number of cars per train?

A Yes, sir.

Q That is another way of expressing it?

A Yes, sir.

Q Those cars per train show an average for 1955 of a fraction under four cars per train?

A Yes, sir.

Q What is the crew assignment on those passenger motor car-propelled trains in the United States?

A In the electric M.U. type on steam locomotives they have --

Q Steam railroads?

A Steam railroads; they have a motorman but no fireman. In the motor cars, that is gas-electric or diesel-electric motor cars, if they exceed 90,000 pounds on power wheels they have to have a fireman.

Q Why, Mr. Kiley?

A Because of schedule requirements, contractual obligations.

Q That was explained by Mr. Loomis this morning?

A Yes, sir.

Q What about page 4 of Exhibit 151?

A Page 4 shows passenger rail motorcar-propelled train operations on the Milwaukee road. In the early periods in 1920 we had single unit gas-electric motor cars of about 175 horsepower. In 1927 we acquired additional motor cars that had sufficient power to haul trailing cars and that shows the big jump in our motor car train miles from 1927 to 1928. These motor cars that we acquired had a capacity for hauling only one trailer, and you will notice they gradually decreased until in 1948 they were down to 800,000. In 1948 we constructed two 1,000 horsepower diesel cars that were operated and are still operating with firemen. The other motor cars we had in service operated without a fireman.

Q The first operations of these motor cars on the Milwaukee with firemen commenced in 1948?

A Yes, sir.

Q I notice in 1955 your per cent of total passenger train miles for this type of operation is down to 1.5 per cent, and all of it has a fireman assigned?

A That is right.

- Q What is the reason for the assignment of a fireman on that type of service, Mr. Kiley?
- A Weight in excess of 90,000 pounds on the drivers.
- Q Contractual agreement?
- A Yes, sir.
- Q What was your experience safety-wise in the operation of these units prior to the assignment of firemen compared with since firemen have been assigned?
- A We had no serious accidents that I recall.
- Q Has there been any change in the situation since firemen were employed?
- A No, sir.

BY THE CHAIRMAN:

- Q On the electrified portion of your road how is the switching, if any, carried on?
- A We have electric switching locomotives or we can take one unit of a freight locomotive and switch with that.
- Q That would be electric too?
- A Yes, sir. At Harlowton just recently, because we had lay-over diesels at that point, we took the electric switchers out of there and are doing the switching now with diesel locomotives that lay over there. They are road switcher type diesels.
- Q These three railroads you mentioned, the Butte, Anaconda, the Chicago, North Shore and Milwaukee and the Chicago, South Shore and South Bend, do they do any switching?

A Yes, sir.

BY MR. SINCLAIR:

Q On page 4 of Exhibit 151 which deals with your motor car operations, did they operate on main and branch lines and generally throughout your territory?

A Principally on branch lines but they had some mileage on main lines. In more recent years the operation has been almost wholly on branch lines.

THE CHAIRMAN: Are you going to enlighten us as to what an electric locomotive looks like?

MR. SINCLAIR: I was just trying to think of where I had a photograph.

THE CHAIRMAN: As far as I remember, nothing has been said about it.

MR. SINCLAIR: We have none on the Canadian Pacific. They were grouped with the diesels in the collective agreements, and I was trying to think of where I had a picture of one of them. Maybe you can describe them, Mr. Kiley.

THE WITNESS: The more recent electric locomotives we bought, the ones that are comparable to this interurban line I talked about, the Chicago, South Shore and South Bend, look a great deal like a normal diesel locomotive as far as the cab is concerned but it has got a cab at each end. It is just like looking at a car body diesel locomotive with a cab at each end. That is about as easy a way of describing it. I could furnish copies or prints of pictures of such of the electric locomotives as

we have.

MR. SINCLAIR: Would you please give us one of each of the types that you have. If we can give them exhibit numbers now --

THE CHAIRMAN: You can put them in later.

MR. SINCLAIR: I can put them in when I get them.

BY HON. MR. McLAURIN:

- Q What is the make and description of the one you have on the Pacific Northwest region and which is running between Chicago and Milwaukee?
- A General Electric. Practically all of our electric locomotives are General Electric. As a matter of fact, all of the electric locomotives we have in service now are General Electric. We did have some Westinghouse engines but we just retired the last two of that type of locomotive.
- Q Are they given a special designation by General Electric as to power?
- A No. These were specially built. They are the only locomotives of the kind in this country because we are one of the few railroads that operates electrically on 3,000 volts direct current. The Pennsylvania electric operation, for example, is 11,000 volts A.C. The Great Northern, until they abandoned it, was also 11,000 volts A.C. The New York Central around the terminals in New York is, I think, 600 volts.
- Q These are custom built jobs?

A Yes.

BY MR. SINCLAIR:

Q Taking the map, Exhibit 150, what is your gradient on your main line there through the mountains?

A Westbound our maximum gradient is 2.2 per cent. Eastbound it is 1.75 per cent compensated for curvature.

Q Have you got any steeper gradients than that on the few branch lines you have in this mountain territory?

A Well, yes, we have higher grades than that on some of the logging railroads. For example, from St. Mary's to Elk river, which is between the two areas, I think we have some 3 per cent grades there.

Q What kind of power do you use there?

A Diesel.

Q You use diesel power?

A Yes.

Q Multiple?

A Occasionally if the traffic is heavy enough to warrant it we use multiple. We use two jeeps or general purpose engines. Out of Tacoma, the route south of Tacoma, we have a 3.2 per cent grade. We use multiple locomotives there.

Q Diesel?

A Diesel.

Q That is on your main line to Tacoma?

A Main line out of Tacoma -- it is a branch line out of Tacoma.

Q Up to your main line at Seattle?

A No, it is a branch line that runs from Tacoma to Morton.

Q Oh, I see it on the map.

BY MR. LEWIS:

Q Is that north or south?

A It is southeast of Tacoma.

BY THE CHAIRMAN:

Q Is there any relationship between the Milwaukee road, your road, and the Chicago, North Shore and Milwaukee?

A No sir, they are competitors between those areas, between Chicago and Milwaukee.

BY HON. MR. McLAURIN:

Q The custom built locomotives were for the Pacific northwest?

A Yes, sir.

Q You say the Chicago, North Shore has one of these locomotives?

A There were 12 or 15 of these locomotives that were built by the General Electric Company for Russia and they fitted our operations and fitted the South Shore so we bought twelve of them and the South Shore bought three.

BY MR. SINCLAIR:

Q How far is it from Chicago to Milwaukee?

A It is 85 miles.

Q How far is it from Chicago to South Bend?

A About 90 miles.

Q South Bend, Indians?

A The Chicago, North Shore and Milwaukee goes to Milwaukee, and the Chicago, South Shore and South Bend goes from Chicago to South Bend through Michigan City.

Q How long is the Butte, Anaconda and Pacific Railway?

A They have 52 miles of road. I think they have included in there some of their operations or road around Butte which would run into more mileage. Fifty-two miles looks a little large but that is what they reported to the Interstate Commerce Commission.

Q These miles of road as shown on page 2 of Exhibit 151 are as reported to the Interstate Commerce Commission?

A Yes, sir.

BY THE CHAIRMAN:

Q Why is it, Mr. Kiley, that the Milwaukee road is subject to different contractual obligations with its employees than the Chicago, North Shore and Milwaukee?

A We are a class 1 steam railroad. The Chicago, North Shore and Milwaukee is a class 1 intercity electric railroad.

BY MR. SINCLAIR:

Q For instance, take the Chicago, South Shore and South Bend. Are their employees, or do you know, represented by the Brotherhood of Locomotive Firemen and Enginemen?

A Well, I don't know.

MR. SINCLAIR: Maybe my friend could answer that. I am instructed that some of these roads are represented by this union.

BYMR. LEWIS: There are a few things I shall have to find out about it, Mr. Chairman, or, to put it a little more modestly, that I am ignorant about, and the question my friend is asking is one of them.

THE CHAIRMAN: You do not have to answer at the moment, Mr. Lewis.

MR. LEWIS: But I will know by tomorrow.

BY MR. SINCLAIR:

Q Now, that had to do with road operations and switching en route in so far as freight operations were concerned of these intercity railways. What about yard switching experience in the United States without firemen? What has been the situation with regard to yard work without firemen?

A Well, we did switching without firemen from 1927 to 1937 in the city of Chicago.

Q And did other roads do the same to your knowledge?

A As far as I know, all of those that had diesels or gas-electrics at that time did the same thing providing it was not in violation of some state statute.

Q Now, Mr. Kiley, I should explain to you before I ask you certain questions about this, that the proposal of the Canadian Pacific, as it has been outlined by myself in my opening to the Commission, was that we were presenting to the

a plan
Commission that would result in the orderly
withdrawal of firemen from yard and freight ser-
vice on diesels, and we were not proposing to
these men and, indeed, the question that was
directed to this Commission did not deal with
firemen being withdrawn from passenger diesels.
In other words, there are two points. One is
that it is not the proposal of Canadian Pacific
to remove firemen from passenger diesels and
that question is not before this Commission.
Second, the proposal for removing firemen that
would be made by Canadian Pacific to this Com-
mission from road freight and yard operations
would provide for an orderly and gradual with-
drawal of those men from our service. I want
to give you that background. Then I want to
ask you whether, based on your experience on
the Milwaukee, you had made any analysis or
reached any conclusions as to whether firemen
were required in yard switching operations on
the Milwaukee?

A I have discussed this with our operating people quite at length, and we do not believe, -- I do not and they concur in my belief -- that we require firemen in switching service on the Milwaukee. In some cases we would put in dual controls so that our engineer could move from side to side when necessary to take signals where it would not normally be easy to pick out if the engineer had only one set of controls: but outside of that we found no place where we thought that firemen would be required in yard or industrial switching operations.

Q Taking yard and industrial switching operations, what is your practice on the Milwaukee as to positioning of ground crew in yards?

A Wherever possible the signals would be made to and taken directly by the engineer.

Q And industrial switching?

A The same way.

Q Now, what about road freight operations?

Did you consider that and come to any conclusions personally and after discussion?

A Yes, we came to the same conclusion.

In road freight operations we have two men in the diesel locomotive that can observe signals, observe switches, do all the watching that is necessary, two, the head brakeman and the engineer. We do not think that a fireman is necessary.

Q Do you do switching en route with your freight

trains?

A Yes, sir.

Q Have you taken that into consideration in arriving at your view?

A Yes, sir.

Q Was that view concurred in by your operating officers, that you have expressed to this Commission?

A Yes, sir.

Q The men who are actually responsible on the ground for the operation?

A Yes sir.

Q Were there any dissents?

A No, sir.

THE CHAIRMAN: Perhaps this would be a good place to take a break for a few minutes.

--- Recess.

--- On resuming after recess.

MR. SINCLAIR: Mr. Lewis has requested that before Mr. Kiley answers his questions that he should stand down so that Mr. Lewis can have a chance to organize his notes, and with your permission, sir, I would ask that that be done.

THE CHAIRMAN: You are finished with the witness?

MR. SINCLAIR: Yes.

I shall call my next witness, subject to your permission.

LESTER S. LAWRENCE, Called

BY MR. SINCLAIR:

- Q What does the "S" stand for?
A Soule; they hung it on me when I was real small.

LESTER S. LAWRENCE, Sworn

EXAMINED BY MR. SINCLAIR:

- Q Mr. Lawrence, you reside at ^{Fort} Madison, Iowa, in the United States?

A That is correct.

- Q Your present position is road foreman of engines for the Santa Fe railroad, on the Illinois division from Chicago to Kansas city?

A That is correct, sir.

- Q Including in your jurisdiction the Argentine yard of the Santa Fe railroad?

A That is correct.

- Q Which is a large hump yard of the Santa Fe, serving the Kansas city area?

A That is right.

- Q Mr. Lawrence, you entered the railway service in September, 1929, as an accountant in the evaluation department of the Elgin Joliet and eastern railway at Joliet, Illinois?

A That is right.

- Q You held that position until March 1932, when you were laid off because of the reductions consequent upon the depression?

A That is right.

- Q In the five years between 1932 and 1937 you

worked at whatever employment you could find outside of railway service.

A That is right.

Q In January 1937 you returned to the Elgin Joliet eastern railways as a locomotive fireman?

A That is right.

Q And you stayed with that railway until October of 1937, when you resigned your employment to join the Santa Fe as fireman?

A That is correct.

Q After entering the service of the Santa Fe as a fireman -- on what division?

A Illinois division.

Q On the Illinois division you ran as a fireman on the Santa Fe from October 1937 until November 1945?

A That is right.

Q In 1945 you were promoted to engineer on the Santa Fe?

A That is right.

Q And for the first few months after that you operated as an engineer when you could catch a run, and if not, you were running and exercising your seniority as a fireman?

A That is right.

Q Toward the latter part of 1946, or the middle of 1946 you became a regularly assigned engineer on the Santa Fe Illinois division?

A That is right, sir.

Q And you ran as an engineer until December of

1951, on the Illinois division of the Santa Fe railway?

A That is correct.

Q In December of 1951 you were appointed safety supervisor for the Santa Fe on the Missouri and Kansas division of the railroad?

A That is right.

Q You held that position until July, 1952, when you were promoted to road foreman of engines on the Illinois division, the position you now occupy?

A That is right.

THE CHAIRMAN: That position is what?

MR. SINCLAIR: Road foreman, engines,
Illinois Division, Santa Fe Railroad.

BY MR. SINCLAIR:

Q Why have you come from the United States,
another jurisdiction, to appear before this
Commission?

A I was notified by Mr. Tucker, our operating
vice-president, to report up here to the
Canadian Pacific.

Q Yes? .

A And report to **you**, sir.

Q Before that, had you received any instruc-
tions to contact me in Chicago?

A In February, yes, sir.

Q Of what year?

A Of this year; I was called into Chicago, well --
for the first time I met you.

Q And Mr. Tucker is what?

A Is our operating vice-president.

Q Of the Santa Fe system?

A Of the Santa Fe system, yes, sir.

Q Now, when you were a fireman on the Elgin,
Joliet for a short period and also a fire-
man on the Santa Fe, what types of power were
you running on?

A Steam power.

Q Steam power?

A Yes, sir.

Q Hand-fired or stoker?

A Hand-fired.

Q Did you ever run on a stoker-fired engine?

A Yes, sir.

Q On what railway?

A The Santa Fe.

Q Did you ever run as a diesel fireman?

A Yes, sir, on the Santa Fe.

Q When did the Santa Fe start receiving freight diesels in the Chicago area?

A Freight diesels you mean, sir?

Q Yes?

A I would say in the latter part of 1940 we got our first road diesel.

Q When did the Santa Fe, in the Chicago area, first get their yard diesels, do you know?

A I have been told, sir, that our first -- they had their first diesels about 1934, that is, yard switchers for the Chicago area.

Q When you came to work for them in 1937, running out of Chicago, were there diesels in the yard there at that time?

A Yes, there were a few; a relatively few that I noticed in the Corwith yard, that is our Chicago freight terminal.

Q Between 1937 and 1940 when the first diesels were arriving for road freight, the power on the Santa Fe was steam power?

A Steam power, that is correct, sir.

Q And when did the Santa Fe finally get rid of its steam power, Mr. Lawrence?

A Well, you mean entirely, sir, or just on my territory?

Q Take your territory first.

A I would say 1947 or 1948, approximately; I am not too clear on that. That is entirely --

Q Entirely?

A Yes, I would say approximately then.

Q 1947 or 1948, did you say?

A Yes.

Q Is your territory on the main line of the Santa Fe out of Chicago?

A All main line with the exception of two branch lines.

Q I have a map of the Santa Fe system which I think might help us orient ourselves. I should like to file it as Exhibit 152. It is a map of the Atchison, Topeka and Santa Fe Railway System.

EXHIBIT No. 152 -- Map of
Atchison,
Topeka and
Santa Fe
Railway
System.

BY MR. SINCLAIR:

Q Now, looking at Exhibit 152, I notice that the right-hand corner, just at the very edge of the map is Chicago, up on the right-hand side of the map, and how far does the Illinois Division go? I notice it says Illinois Division and then also Missouri Division?

A This map, as you can readily see, was put out

previous to the consolidation. This Illinois and Missouri Division has now been consolidated as one division between Chicago and Kansas City.

Q When you have talked about the Illinois Division you have talked about the earlier or consolidated division or only the Illinois Division?

A Just the Illinois, that is my running experience, between Chicago and Fort Madison, Iowa.

Q And as road foreman of engines, for the Illinois Division as it now stands, including Argentine yard, you have covered the entire territory between Chicago and Kansas City, including the Argentine yard?

A Yes.

Q As consolidated?

A That is consolidated, the Illinois Division as it now stands today.

Q And your running experience, as fireman, extends between Fort Madison, Iowa and Chicago, Illinois?

A That is correct.

Q Looking at the balance of this territory, have you been over the other parts of the Santa Fe system?

A Yes, sir, I have.

Q In connection with special duties?

A Special assignments, sir.

Q How far west have you been?

A Los Angeles, sir.

Q How far south?

A Down to Cleburne, Texas; that is as far as I went on that line.

Q That is on the Galveston line?

A Yes, sir.

Q Are you familiar with the general operations of the Santa Fe in the territories delineated here? Just how far does your knowledge take you?

A Well, of course, a man is always more familiar with his own territory he works on every day. I have been over the entire territory, but the question of, are you familiar with it, that is something else. I am generally familiar with it, yes.

Q Now, as road foreman of engines on the Illinois Division with your jurisdiction between Chicago and Kansas City, when you were not on special assignments, how many miles a week would you ride engines?

A Oh, I would say -- you mean on the engine itself?

Q Yes?

A That is perhaps where I do all my riding anyway -- oh, about 1,200 to 1,500 miles a week. One round trip would give me 902 miles.

Q Do you ride passenger and freight diesels?

A Yes, sir.

Q When you were an engineman between Chicago and Fort Madison, did you operate diesels?

A Yes, sir.

Q As an engineman?

A Yes.

Q As a locomotive engineer?

A Yes.

Q In freight service?

A Freight service.

Q In passenger?

A In passenger service.

Q When you were an engineer on the Illinois Division of the Santa Fe, did you operate steam engines in these territories?

A Yes.

Q You did?

A Yes, sir.

Q By the way, where is the Elgin, Joliet Railway? It is down on this map, but so we will know where you have worked, will you please tell the Commission where the Elgin and Joliet Railway goes?

A The Elgin, Joliet and Eastern Railway is an outer belt line. It is a steel company railroad, that is what it is, it is principally a steel hauling railway and it runs in an outer belt around Chicago. They have their headquarters at Joliet and they run up also to Waukeegan, just a facilitating movement for connections between the various railroads. They do not go into Chicago yard.

Q Did you, as an engineman, ever run yard engines?

A Yes, sir.

Q Where?

A I have run yard engines in Chicago and Joliet and Chillicothe -- you will notice it halfway down the Illinois Division. It is a freight terminal point.

Q Did you run as a fireman in yard service or work as a fireman in yard service?

A No, sir, we have closed yards on the Santa Fe. The only time I ran in yard service was an emergency situation.

Q On the Elgin and Joliet, when you were fireman -- have they got yards?

A Yes, sir.

Q Big yards?

A Yes, very large yards.

MR. LEWIS: Did he operate in the yards on the Joliet?

MR. SINCLAIR: He said yes.

BY MR. SINCLAIR:

Q You ran as a fireman in yard service on the Elgin Joliet and as a fireman in yard service on the Santa Fe?

A That is correct.

Q And your experience as a fireman on the Santa Fe, that is in yard, in freight service and passenger service?

A Yes, sir, as a fireman.

Q And as an engineman you did run in the Chicago terminal of the Santa Fe?

A Yes.

Q And in those other areas you have spoken of?

A Yes.

Q The freight terminal, you say that was only
an emergency?

A That is correct, sir.

Q About how much experience month-wise would
you have in yards?

A As engineer?

Q Yes?

A Not much, sir. I do not imagine I have had
over 10 or 11 trips, a day's work in the yard
as an engineer in the entirety of the Santa
Fe, which is a closed yard situation.

- Q By a closed yard, you mean seniority?
- A Yes, that is correct; my seniority is on the road and not in the yard.
- Q Taking your experience on hand-fired power, steam power as a fireman, what would you say would be the amount of time that your firing duties would require you to be on the deck of the locomotive, a hand-fired locomotive?
- A In what branch of service?
- Q Run through them all, passenger first.
- A In passenger service, of course depending largely on the size of your train and an awful lot on your engineer, I would say about 80 per cent of my time, between 75 per cent and 80 per cent of my time would be on the deck with the engines we had.
- Q And freight service?
- A Freight service, again you would come under these same restrictions or qualifications that I mentioned on passenger, and I would say it would be pretty close to the same, the same length of time, that is moving over the road.
- Q Running time over the road?
- A Yes, sir.
- Q As a stoker fireman, what was your experience on main line stoker firing;

first with passenger and then freight,
on the Santa Fe?

A We did not have stokers on passenger
service, Mr. Sinclair; we used oil
burners.

Q Stokers for freight only?

A Stokers for freight only. You mean
the time spent on the deck?

Q Yes.

A It was greatly reduced, of course, due
to the standpoint that your controls
were worked from the seat. I would say
that it was reduced to about, oh perhaps
20 per cent of the time I was on the
deck, or 25 per cent.

Q Between 20 per cent and 25 per cent.
In your experience as a stoker fireman
did you have trouble with your stoker
or with the coal?

A Oh, definitely, surely.

Q Was that taken into account in the
average you have given the Commission?

A On the over-all average, yes, I would
say so.

Q Have you ever been on stokers which
required you to supplement by hand
firing?

A Yes, I have.

Q Would that be caused by stoker failure,
or what would cause it?

A Well, it could be classed in two categories. There is stoker failure due to something mechanically wrong with the steam motor it was driven by, or it could be classed under the heading of obstructions in the stoker trough or the elevators.

We had the old duplex type of stoker at first. I don't suppose that means much

Q You just talk right across here. You had the duplex type of stoker; those were the first types introduced on your railroad?

A That is the first type we had.

Q Then you later got the standard, did you?

A Yes. But due to obstructions; you would get wood, slate, rock. We had large deposits of storage coal. The company stored coal from time to time. At that time we were having quite a bit of coal trouble, that is due to mines shutting down and so forth, so they stored coal and when they picked this coal up out on the prairies or wherever they had deemed fit to store it, they were not too choosy in what they picked up and they picked up everything practically. So there was some obstructions due to that cause, yes, sir.

Q On oil burners, you have been a fireman on oil burners?

A Yes, sir, I have.

Q That was on passenger service?

A Passenger service.

Q What about the situation of the fireman there in regard to the time that he would be off his seat?

A The only time he would be required to be off his seat on an oil burner would be to sand the flues, and that would depend on the condition of your engine when you got it from the roundhouse when you left your terminal. After you first put your sand through it was just a question of doing it at intermediate times. It was not too great a task or anything. You would practically be on the seat, I would say 90 per cent of your time in an oil burner.

THE CHAIRMAN: What is the importance of the length of time a fireman would be on the deck, Mr. Sinclair?

MR. SINCLAIR: The position that I will take on behalf of the company is that the experience of the railroads in regard to hand-fired power is that the majority of a time of a fireman --

THE CHAIRMAN: Assume that to be so.

MR. SINCLAIR: I will argue that the primary function for lookout required in freight was the head trainman's, and in passenger where he would be there, there had been

efficient and safe operations with only one man looking out.

I will argue that in stoker time a substantial period of time still was required. I will argue from that that the position the company is taking with regard to having two men on freight power on the head end moving over the road **adequately looks after** the lookout situation.

THE CHAIRMAN: Some witnesses dealing with this subject have spoken about keeping a lookout as far as signals were concerned while they were on the deck. You have not asked this witness that?

MR. SINCLAIR: I have not asked him but I will do so.

BY MR. SINCLAIR:

Q Mr. Lawrence, what was the situation with regard to a lookout for signals by the fireman on steam power on the Santa Fe?

A What did he do?

Q With regard to signals, the fireman?

A Of course the fireman's primary duty on a hand-fired or steam-powered engine was to maintain the steam pressure and add an adequate water supply to the boiler. In other words, furnish power for the movement.

After the fireman became experienced, where he got to know the road, of course

keeping in mind his primary duty was to furnish power and keep a full head of steam -- I am speaking of passenger service now -- you might kind of try to space your firing duties to your location on the road if it were in such a place at which you would be required to call signals when you are required to call signals.

The rule book requires that you will call signals, but you have a primary duty of furnishing steam power.

Q It is very hard to hear; would you just speak up and look across here?

A I beg your pardon. It still the fireman's duty to call signals when he can. I know the rule book does not read that way, but it is obvious that you could not see a signal if you were down on the deck firing.

So that was the practice that we tried to follow, practically all of us firemen, to call the signals whenever we could.

Q You said that on passenger service that was so; what about freight service?

A On freight service of course we had the benefit of the head trainman who sat on a small seat practically ahead of us. It still did not relieve us from responsibility according to the rules to

call signals, but we were not too concerned about it then as long as there was someone there watching it. The head trainman was there and if we were down on the deck, the fireman of the locomotive, there certainly was no point in running over and duplicating somebody else's signal calling. That is the way we worked it.

Q When you came to stokers on the Santa Fe was there any change in the situation from what you have described to the Commission?

A When we came to stokers on the Santa Fe, of course we were on the seat more of the time. Your time on the deck was lessened but you still worked under the same situation. Your trainman was there to call signals. When you were on the seat you would call signals along with the trainman and the engineer.

Q Now, in diesels what was the situation in regard to the calling of signals as a fireman?

A On the first diesels we obtained, they were the car body type of diesel and there was three of us in the cab, of course, and we all three called the signals. Under the rules it is the duty of all three of us to call signals, signal aspects.

Q When you were first on the diesels as a

fireman would you do any work other than what you did in the cab?

A Yes. When we first got the diesels none of us knew anything about them and the instructions were out that there was to be patrols and there were innumerable things to do back there. Actually there were a lot of things to do back there and we spent a good bit of time in the engine-room patrolling, adjusting the shutters and fans. The fans were manually operated.

Q The fans were manually operated at that time?

A Yes, sir. We did spend a lot of time in the engineroom.

Q Would you space the time you went back into the engineroom depending on where you were on the road?

A No, sir, we did not.

Q As a fireman on diesels on the Santa Fe, Mr. Lawrence; did you run as a fireman on diesel power on the Santa Fe?

A Yes, sir, freight and passenger.

Q In passenger service, where would you ride, where would you be?

A When I first went on passenger, at that time the fireman was kept in the engine-room.

Q On the Santa Fe?

A Yes, sir.

Q All the time?

A Yes, sir. He could go up and have a smoke. I don't know if I just got tangled up with a bunch of mean engineers, but that is where they kept us. We were back there with the maintainer for instructions, and the engineer was up there by himself.

Q For the entire trip?

A Yes, sir.

BY THE CHAIRMAN:

Q Not by himself, there would be the head-end trainman?

A This was passenger service.

BY MR. SINCLAIR:

Q And in freight service, were you back in the engineroom too?

A Yes, sir, but not too much. We would patrol and go back. We had no maintainer in freight service.

Q How long did this go on when you were running as a diesel fireman in passenger service where you would be full-time back in the engineroom and the engineer would be up there by himself over the road?

A You mean how long a time in years or how long a time in running time?

Q How long a time in years?

A Well, up to the watching rule. The

watching rule came into effect, I think it was around 1943 or 1944; perhaps along there.

Q The watching rule required the fireman to be there on high-speed trains, on the seat?

A The watching rule required a fireman on multiple units high-speed stream-lined through passenger trains to be in the cab at all times while the train was in motion. He could go back at stops for inspections, but that was all.

Q But up to 1943 you said to the Commission that you spent your time back in the engineroom. After 1943 did you run on these high-speed stream-lined passenger trains to which the watching rule would apply?

A Yes, sir.

Q As a fireman?

A As a fireman, yes, sir.

Q And you would stay in the cab?

A I would.

Q Did you run as an engineman on freight trains? You were classified as an engineer at the end of 1945. Would you run in freight trains in and around this period of 1945 to 1950?

A Yes, sir.

Q On diesel power?

A Yes, sir.

Q And what would your fireman do on that power when you were running on the Santa Fe?

A He would go back in the engineroom, patrol the engineroom.

Q Were those modern diesels you had at that time?

A No, they were not modern diesels the way we call them modern diesels today. They were the FT type, 1,350 h.p.

Q Manually operated shutters?

A Yes, sir.

--

--

--

Q Hand-primed pumps?

A I don't know what you mean by that.

Q Well, lubricating systems?

A You mean the fuel oil system?

Q No, the lubricating system. Did you have hand-primed pumps?

A No, sir, we did not.

Q Did you have belt-driven auxiliaries?

A Yes, sir.

Q Did you have purolators?

A Yes, sir.

Q That had to be turned by hand?

A Yes, sir.

Q And as a fireman you did this work, and as an engineer would you require your fireman to do it?

A Oh definitely, sir, yes. It was a job that had to be done. They were not automatic at that time. They had to be done.

Q Have you got any of that type of diesel left on the Santa Fe where there are manual shutters, purolators or any of that type of material that requires hand work back in the engineroom?

A No, sir, we have not.

Q That is on the division you are familiar with?

A That is correct, sir.

Q Now, on the modern diesels that you have been on, Mr. Lawrence, what work is there, in your opinion, for the fireman to do back in the engineroom while you are moving over the road?

A The fireman to do in the engineroom?



Q Yes?

A There is no work for the fireman to do in the engine room, sir, under normal operation.

Q Would the firemen on the car body types of diesels on the Santa Fe, the modern diesels, those purchased since 1950 that were automatic as to shutters and filters and things of that kind, would they go back into the diesel?

A Yes.

Q Patrol it?

A Yes, they go back in the diesel.

Q What are they going back for if there is nothing for them to do?

A Well, they go back, I am talking of freight service now.

Q Yes?

A Sure they go back. They walk through the units, but there is nothing to do. There is absolutely nothing they can do back there unless we get an alarm of some type.

Q An alarm, what do you mean by that?

A I mean an alarm. You have preventive -- I should say protective devices on a locomotive such as ground relay, overspeed, low oil alarm, hot engine. Other than that there is nothing he can do back there on your modern present day locomotive.

Q Now, when an alarm sounds what does that signify to you as an engineman or road foreman of engines? What action do you

associate with that alarm on the Santa Fe?

A Well, an alarm on a diesel locomotive is not -- you could not classify it as say like a burglar alarm that is a mandatory signal and you must leap to your feet and dash back there. It does not mean that. The alarm is merely a notification that something has happened back there but your protective device has taken care of it. If you are coming into -- again when you would answer that alarm and what you would do about it would depend on your location and up to the engineer's discretion whether or not to send the fireman back or not send him back. After all, he is the one that is responsible for it.

Q Who is he?

A The engineer.

Q If an alarm sounds in freight service on the Santa Fe, what is the general practice as to resetting? When is it done, en route or do they wait until the next stop?

A That depends on the alarm. The general practice, speaking as a general practice, is to answer the alarm because we run practically all four-unit consists in freight service, three to four units, I should say, and our tonnage is just about where it should be according to the ruling grade and the practice is to answer the alarm when it

happens.

Q Take a three or four-unit diesel consist. You mentioned your tonnage was fixed to the controlling grade. If you were on the controlling grade with a three or four-unit consist and an alarm sounded, a ground relay or a low lube alarm, resulting in lost power, in your experience, Mr. Lawrence, could that protective device be recovered before you stopped?

A You mean before the train stalls?

Q That is right?

A No sir, it could not, because to reset the ground relay -- on the ruling grade with a tonnage train you are at the minimum speed you can do in the short time rating provided by the manufacturer and put out by the company, and by the time you get back into the first unit or second or third unit your amperage gauge would be over on the red and your short time rating would be exceeded, and to put the engine back on the line, it is just not done and you would be stalled.

Q Now, if you were not on the ruling grade or controlling grade and the alarm was not reset, what would the effect be as to train operation of cutting out the power of one unit?

A There would not be any large effect as to train operation without the immediate resetting of an alarm. You base your tonnage to your horsepower and your ruling grade and when you are not on the ruling grade, if you were to lose a unit or even two units, which has happened, it certainly is not anything serious and can be set again if close to a terminal or if it was not close to a terminal it could be set at the discretion of the engineer which he would probably tell the fireman to go back and put this unit back on the line, which is not too great a task.

Q By the way, Mr. Lawrence, from your experience on freight diesels, how often do you get alarms of any kind on freight diesels?

A I would say we could run -- well, I made quite a few studies of this and it varies. I would say on the Santa Fe we could run close to 1,200 to 1,300 miles per alarm. That is locomotive miles.

Q That is locomotive miles?

A Yes sir.

Q That would mean --

A With a three-unit consist you could multiply that by three and possibly run 3,900 to 4,000 miles per alarm. That has been the result of most of my studies on the Santa Fe.

Q What has been your experience with alarms in passenger service, more or less than in

freight service?

A We have a greater frequency of alarms in passenger service, and I think the reason for that -- that is including steam generator alarms which you do not have in freight service -- I think a lot of it is due to the higher speed that passenger trains make. A lot of it is due to perhaps rough track, arcing of traction motor commutators that would trip the ground relay and that would not ordinarily happen in freight service at lower speed.

Q On the Santa Fe how fast do they run freight trains?

A Sixty miles an hour, sir.

Q Passenger trains?

A Ninety miles an hour.

Q How much double track is there on the Santa Fe, Mr. Lawrence? Is this demonstrated on Exhibit 152 where there are double lines? Is that the place where there is double track?

A It is a double line with a white centre.

Q That is the double track and the single track would be the solid line with white dots.

Is that correct?

A That is correct, sir.

BY MR. LEWIS:

Q The Illinois Division would be all double track?

A It is all double track.

BY MR. SINCLAIR:

Q And single track on the branch line down to Peoria?

A Pekin. It shows Peoria there but it does not go to Peoria. It goes as far as Pekin.

Q Oh, I am sorry. Peoria is over on the other line. It is Pekin. Then, for instance, the loop around Kansas City?

A There is another branch up to St. Joe there, if you notice, from Henrietta.

Q That is single track?

A That is single track, yes sir.

Q And the line down to Galveston except for a short distance out of --

A Out of Newton.

Q It is all single track?

A Correct, sir.

Q Now, what kind of signals have you on the Santa Fe, Mr. Lawrence?

A We have several signal systems on the Santa Fe. We have automatic block signals. We have automatic train control. We have automatic train stop, and we have C.T.C., and we have some places with no signals.

Q You have operations that operate on signal indication alone? That would be C.T.C., and you have some that are on train order and time-table where there would be no signals at all?

A That is right.

Q Where would an example of the latter be?

A Timetable and train order?

Q Yes?

A Well, let us take between -- well, right out of Streator, between Streator and Pekin, timetable and train order.

BY MR. LEWIS:

Q Where is that?

A It is right out of Chicago, just about the fifth station down, you see Streator and then you see Ancona, and your Henrietta to St. Joe is operated timetable and train order.

BY MR. SINCLAIR:

Q How many trains per day would you have running between Streator and Pekin?

A Four, sir.

Q Four trains a day on that line. And up to St. Joe?

A Two.

Q Two trains a day. How many trains would be running on the main line of the Santa Fe on the Illinois Division? How many trains a day have you got over there?

A You mean grouping freight and passenger and local?

Q Yes, all kinds?

A We have nine passenger trains, each way.

Q Each day?

A Each day, yes sir. We have an average of

ten freight trains each way each day and four local trains each way.

Q Each day?

A Yes sir.

Q How many diesels has the Santa Fe, Mr. Lawrence?

A Diesel units, I would say approximately -- I can give you the total number with reference.

Q Please do, Mr. Lawrence.

A As of January 1, 1956, we had 1,716 units with 80 on order.

Q You are completely dieselized now?

A We are.

MR. LEWIS: Did he say January 1, 1956?

THE WITNESS: January, 1956. That is according to the Santa Fe's statistics.

BY MR. SINCLAIR:

Q Now, have you any road switchers?

A Yes, we have.

Q Have you got car body?

A Yes.

Q How many road switcher type have you as of that date, of that total that you gave the Commission?

A It is not broken down on this reference I have here, sir. I can give you February 1, 1956.

Q Yes?

A That is as reported to the Association of American Railroads, as reported to Washington, D.C. -- or I can give you February 1, 1957.

Q Well, we have got another one there at the end of 1956. We will take the closest date, February 1, 1957, as to the proportion of road switchers.

A Total road switchers we have?

Q Yes?

A We had as of February 1, 1957, a total of 385, sir.

Q On the Santa Fe do firemen go out on road switchers in motion?

A No sir, they do not. It is prohibited on the Santa Fe. If it becomes necessary to go from one unit to another it first must be brought to a stop.

Q Is that a written rule?

A That is, sir.

THE CHAIRMAN: I think we will adjourn now, Mr. Sinclair.

--- The Commission adjourned at 4.00 p.m. until 10.00 a.m., Tuesday, April 16, 1957.

*Amended
May*

**ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY**

29

PROCEEDINGS

DATE: April 16, 1957

PLACE: Ottawa, Ont.

PAGES: 4008 - 4181

VOLUME: 29

E. L. FEATHERSTON
SHORTHAND REPORTER
241 MANOR AVENUE
ROCKCLIFFE PARK
OTTAWA, CANADA

Mr. Hughes

ERRATA

Please make the following corrections
in the volumes and on the pages indicated.

Volume 19

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
2389	2	to cross-examined	to cross examine
2390	7	has a rate haulage	has a rated haulage
2395	9	he gets something as	he gets same thing as
2395	11	he gets something as	he gets same thing as
2395	28	in April, 1949	in January and February, 1949
2396	2	in lage	in late
2418	1	and the signal markers	and the signals and markers
2443	1	Only at the outside	Only at an outside
2443	3	Only at the outside	Only at an outside
2457	13	could repair	could restore
2485	9	the tunnel is five or six miles	the tunnel is five miles
2485	11	or double track	of double track
2488	27	going to pull a switch	going to set a switch
2493	2	bulletins or the instructions	discipline reports
2494	25	Some engine crews so that	Some crews do that
2495	5	and makes a standing	and makes a running
2496	2	inspection or full-out	inspection or pull out
2497	5	trainman's side and they	engineman's side and they
2497	10	obviously the engineer	obviously the other trainman
2511	12	and western runs	and western regions
2519	8	ten or twelve days	ten or twelve months
2521	22	he has ony	he has only
2530	26	the 954 to Sudbury	then 954 from Sudbury
2537	1	that stops at the station	opposite the station,

ERRATA

Please make the following corrections
in the volumes and on the pages indicated.

Volume 20

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
2543	4	members of the crew	station staff
2544	19	north switch south of the	north switch of the
2548	30	on the MacTier Subdivision	On the Port McNicoll Subdivision
2550	4	to back up on the	back up on the
2552	15	rear end crew was back at	rear end crew was up at
2552	17	They were back	They were up
2558	23	from the east side	from the side
2590	14	I think you	I think he
2598	10	The control if it	The control of it
2600	9-10	they can go off.	they can go.
2600	21	they have an overdue train	they have a train
2601	19	Strolach,	Stralak
2602	3	Strolach	Stralak
2602	7	any train crew	any train order
2603	29	standard train inspection	standing train inspection
2604	11	to be pulled off for	to be pulled up for
2608	16	the fireman was the same.	the fireman the same.

I N D E X

WITNESSES:

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Exam. by Mr. Lewis	4041
KILEY, J.P.	
Exam. by Mr. Lewis	4095
Exam. by Mr. Sinclair	4116
GONDER, Douglas Vivian	
Exam. by Mr. Sinclair	4122

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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Tuesday, April
16, 1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship,	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C. C.J.A. Hughes, Q.C.	Representing the Commission
I.D. Sinclair, Allan Findlay	Representing the Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Tuesday,
April 16, 1957.

29th DAY

MORNING SESSION

---- The Commission resumed at 10.00 a.m.

L. S. LAWRENCE, recalled,

MR. SINCLAIR: Mr. Chairman at the close of yesterday's session the witness was dealing with the road switcher or what could be called the hooded type of diesel.

BY MR. SINCLAIR:

Q. Mr. Lawrence, what is the policy of the Santa Fe with regard to the purchase of additional units, that is the type that will be purchased?

A. The policy of the Santa Fe is that all future units will be of the multiple purpose type or general purpose type. That is definitely the policy of the Santa Fe.

Q. When you say general purpose type, what kind of diesel is that, the car body?

A. No sir, that is the road switcher type.

Q. How do you know the policy of the Santa Fe, Mr. Lawrence?

A. I asked our mechanical men that determine the policy and also our operating men who determine the policy and I have been authorized by them to state that.

Q. In the United States generally with respect to Class I railroads, Mr. Lawrence, I believe you have prepared a statement

showing the trend of ownership of multiple purpose and other hooded type diesel locomotive units 1956-1957 Class I railroads of the United States?

A. Yes.

MR. SINCLAIR: I would ask that this be filed as Exhibit 153.

EXHIBIT NO. 153: Statement of diesel locomotive ownership, U.S.A.

BY MR. SINCLAIR:

Q. Will you mark that as Exhibit 153. Mr. Lawrence, I think this document pretty largely speaks for itself, but I will ask you to just comment on it for a moment. What are your comments on Exhibit 153?

A. Exhibit 153 is titled:

"Trends of ownership of multiple purpose and other hooded type diesel locomotive units 1956-1957 Class I railroads of the United States.'

You will notice that the first column, under Item 1, gives the total diesel units of all types. The first column shows as February 1, for 1956 and the second column as of August 1, 1956, while the third column as of February 1, 1957. That gives the total diesel units of all types.

Then the second line gives the total units G.P. type.

- C. Is that the road switcher type?
- A. Yes, that is the road switcher type. That gives the totals. You will notice that for February 1, 1956 the total is 7,347; as of February 1, 1957 it is 8,467.

Line 3 gives the total units, switch type, which is a hooded type of locomotive for use in yard service. You will notice an increase there.

Line 4 gives the total units, hooded type.

- C. That is both the road swicher and the yard switcher together?
- A. That is the total of lines 2 and 3, yes sir.

Line 5 gives the proportion of G.P. type or multiple purpose or road switcher type. An increase is shown there.

Line 6 gives the proportion of hooded type, that is of all types, switch and road switcher type. That is shown as 60.7 per cent for February 1, 1957.

Line 7 gives the total diesel units on order of all types. Column 3, as of February 1, 1957 shows the total as 785.

Line 8 gives the total G.P. type units on order, and this is indicated as 643 as of February 1, 1957.

Line 9 gives the total switch type units on order, and this is shown as 79 as of February 1, 1957.

Line 10 shows the total hooded type on order, and this is shown as 722 as of February 1, 1957.

Line 11 gives the proportion G.P. type units on order which is shown as 82.0 per cent as of February 1, 1957.

The last line gives the proportion of hooded type on order which is shown as 92.0 per cent as of February 1, 1957.

You will notice the source is indicated at the bottom as:

"Monthly reports of locomotive ownership and condition (Form C.S. 56.A) rendered to the Interstate Commerce Commission February 1, 1956 - August 1, 1956 - February 1, 1957."

Q. Mr. Samuel, as an engineman, as a locomotive engineer and road foreman of engines, what conclusion do you draw from your experience with the car body and road switcher type units and the fact that the United States railroads have demonstrated that they are going to the road switcher type in preference to the car body type?

A. We have found through operating experience, perhaps the same as most railroads have,

that through the years -- the earlier diesels we had trouble with and we kept a man back there. We had maintainers and firemen back there. We found through the years with the improvement in diesel design and also the improvements that we have made in our maintenance routine, so to speak, that it has enabled us to determine that it is no longer necessary to have the engine room type, or no longer necessary to have anyone back there; that we can operate this multiple purpose G.P. type, or road switcher type, with very little trouble.

They are basically the same engine as your car body type and we have found that there is no need for anyone in the engineroom or anyone to go in the engine room. We have gone further than that, we have issued a bulletin several years ago that any work to be done or after any alarm is sounded on a multiple purpose, road switcher type, the engine must first be brought to a stop.

- Q. Now, Mr. Lawrence, based on your experience as an engineman and road foreman of engines, would you please tell the Commission what work there is for a fireman to do on a road freight diesel with regard to maintaining a look-out or being a watchman, watching the

read and the right of way, the signals
as the train goes across the road?

- A. As I understand your question, Mr. Sinclair,
the purpose of watching on a diesel loco-
motive of a car body type or road switcher
type is not at all necessary from the
fireman's standpoint. This medium of
watching came into being more and more
from the hand-fired locomotive, then
from the stoker to the oil burner.
The watching function increased, and
when the diesel came into being it
was obvious that none of these former
duties were necessary to be performed.
So the job of watching increased along
with the diesel locomotives due to the
fact that there was no work to perform
on these locomotives.

Q. For whom?

A. For the fireman.

Q. From your observations, Mr. Lawrence,
and from your experience, what is the
result of having two men on the left-
hand side undertaking watching duties
on your locomotives in freight service?

A. The result of having two men on the left-
hand side of a diesel locomotive in
freight service is merely a duplication
of watching that is absolutely essential
by the engineer. That is his primary

responsibility regardless of how many you have in the locomotive. It is essentially the primary responsibility of the engineer and he certainly cannot delegate that responsibility to any one else.

Q. Is there no time on the Sante Fe when a train is going over the road that there is a necessity for a look-out from the left-hand side, we will say of a road switcher type of diesel unit?

A. Is there no time? Was that your question, Mr. Sinclair?

Q. Yes, that is right.

A. On a multiple unit or a single unit road switcher type or general purpose type your engineer and your head trainman can certainly perform any watching that would be needed over the road.

Q. Based on your experience on the Santa Fe as a locomotive engineer and as road foreman of engines, do you think there is a necessity to have a man on the left-hand side of the locomotive as it goes across the road, that is a road switcher?

THE CHAIRMAN: You mean any man or two men?

MR. SINCLAIR: Any man.

THE WITNESS: Through the years -- I will have to go back to bring that up through

the years; as I stated previously, we operated our passenger trains when I was in the engine room. We operated them safely and efficiently with one man in the cab. We operate passenger trains today with one man in the cab on certain classes of power. But in freight service, where you have it the same as passenger service the engineer's duty is that of watching. Watching is his primary duty, to take the train over the road.

We have three men in the cab at the present time and certainly by the absence of one other man, the fireman, it would not make any difference in our operations. No sir, it would not.

BY MR. SINCLAIR:

Q. My question was: Do you think that you need two men in the cab when you are going over the road with road switcher type power?

HON. MR. McLAURIN: Do you need anybody but the engineman?

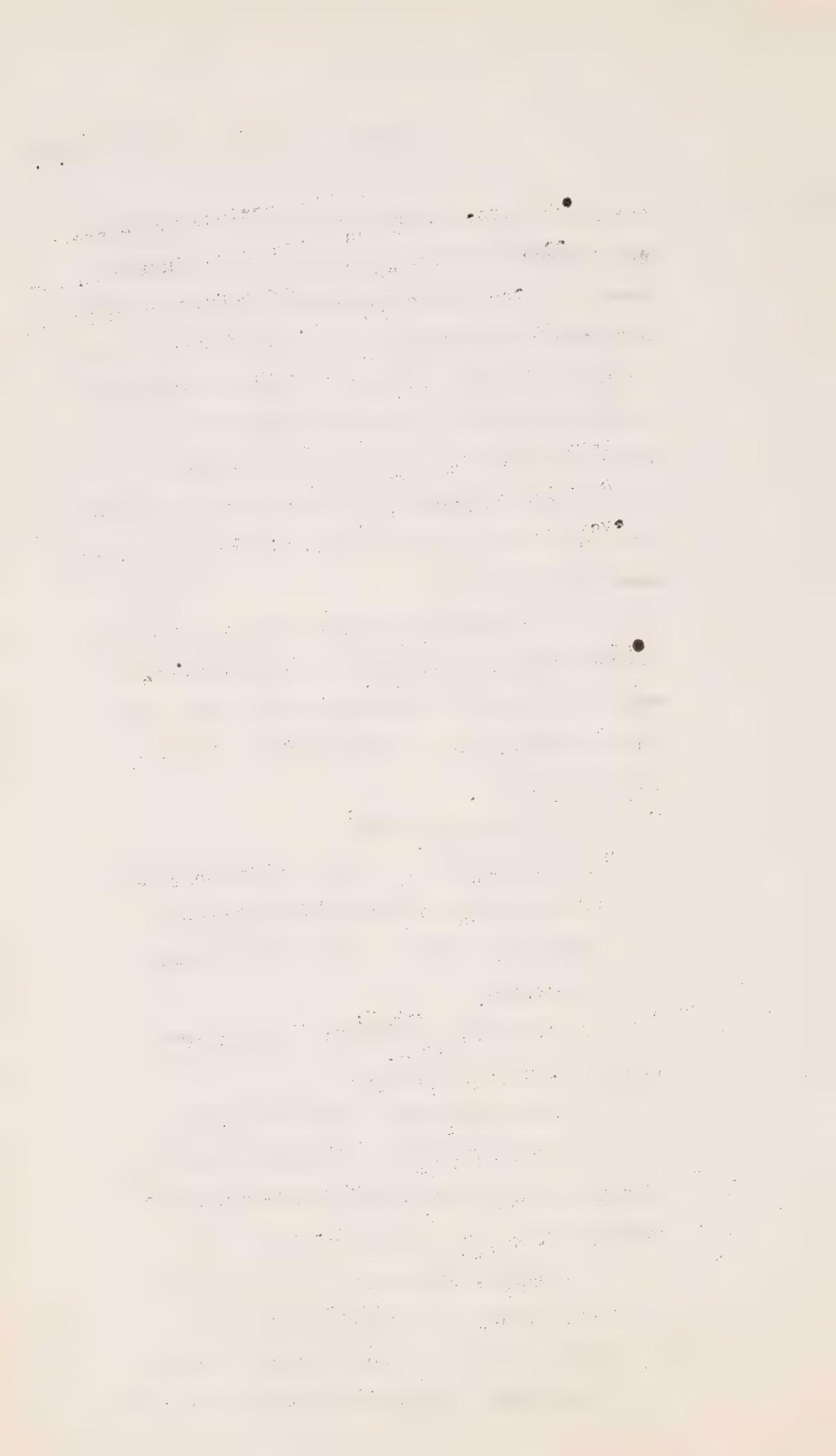
MR. SINCLAIR: That is right.

THE WITNESS: I believe on a road switcher type of power that there should be someone on the left side, yes sir.

BY MR. SINCLAIR:

Q. What about the car body type?

A. On the car body type it would be wholly unnecessary for anyone to be on the left



side due to the wide field of vision that you have on a car body type locomotive.

Q. Take the work of checking train orders, either when a train is about to leave a terminal or in checking train orders over the road. Mr. Lawrence, what is your view, based on your experience and your observations as to the work that may be performed by a fireman in checking train orders?

A. The train orders addressed to the train are addressed to the conductor and the engineer. Under the rule which states that he will show the train orders to the fireman and head trainman when practical the most a fireman could do would be to remind the engineer of such things as a meeting point, a slow order, extra gangs and things like that.

BY THE CHAIRMAN:

Q. Extra gangs?

A. Extra gangs on the sections. During the summer months we employ extra men for surfacing and ballast work and there would be a slow order issued.

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BY MR. SINCLAIR:

- Q Now, in addition to the orders having to be shown to the fireman by the engineer under your rules, does he have to show them to anyone else in freight service?
- A Yes, he is required to show them to the head trainman also.
- Q What, from your experience and in your view, is the ability of the head trainman in regard to train orders and checking and other work in connection with train orders?
- A The ability of the head trainman is equally as good as the fireman to check and read train orders. He passes the same book of rules, our operating rules. He has the same responsibility for carrying out these train orders when practicable and to remind the engineer of the contents thereof.
- Q Based on your experience and what you have seen on engines as a fireman and engineman and as a road foreman, what is your opinion as to the ability of head trainmen generally as to their knowledge of train operation?
- A Oh, I believe sincerely that the head trainman has just as much knowledge of train operation as the fireman has.
- BY THE CHAIRMAN:
- Q Does anybody on the train crew other than the conductor get a copy of the train orders?
- A Other than the conductor, sir? Everyone has.
- Q Everyone.

BY MR. SINCLAIR:

Q Separate copies?

A No. I probably misled. There are two copies given. They are given to the head end and the rear end. The engineer has a copy of clearance and train orders and the conductor has a copy of the clearance and train orders.

BY THE CHAIRMAN:

Q The others just read them?

A Yes, sir.

BY MR. SINCLAIR:

Q When you were running as an engineman or as a fireman, Mr. Lawrence, did you or did you not ever experience a conductor opening the air from the van on a train that you were on to control the movement?

A Yes, I have.

Q Now, you spoke yesterday, Mr. Lawrence, about the protective devices and you said they were not like a burglar alarm, if I remember your phrase, that the protective action had already been taken by the automatic device. Now, from the special work that you have done have you come to any conclusions as to the effect of people patrolling, the effect that has on alarms or defects?

A The effect of any patrolling, that is en route or other patrolling, it certainly would not have any effect on your alarms.

BY THE CHAIRMAN:

Q It would not have?

A Would not have, yes, sir. These alarms and these protective devices are so set and so actuated that they would give ample warning far more quickly than anyone could if he was right in the engineroom all the time.

BY MR. SINCLAIR:

Q Now, based on your experience and your study of the matter, Mr. Lawrence, is the suggestion of the firemen that they have a lot of work to do concerning alarms a relatively new suggestion or has that always been a matter that has been much to the forefront in dealing with the firemen's work, resetting of protective devices? Has there been any comment from any of the tribunals in the United States on that matter?

A Yes. Let me get this right. I think it was the 1943 board, presidential board, that made some comment on their former duties, yes, sir, such as purolators and shutters and things like that.

Q Have you available, Mr. Lawrence, the comment that you have in mind?

A I believe I have, sir.

Q Would you mind reading it?

A This is a report to the president by the emergency board dated February 20, 1943 -- I beg your pardon, May 21, 1943.

THE CHAIRMAN: It is the same document Mr. Loomis referred to?

MR. SINCLAIR: One of them, yes.

BY MR. SINCLAIR:

Q. What page of the report is it?

A. On page 48, sir, the second paragraph. The report reads:

"Most of the machinery in the engine-room is enclosed. There are gauges and other indicators which need frequent inspection to insure that everything is working properly. There are ventilating shutters which need to be regulated, and there are purolators, i.e., oil filters, which need to be adjusted from time to time. In passenger service there is also a steam boiler supplying hot water and air conditioning for the train, the operation of which requires supervision. It is the fireman's duty to patrol this engineroom and perform these services. When not so engaged he occupies the left-hand seat in the control cab where he watches for signals and exchanges them with the engineer in accordance with usual operating practice and rules applicable on steam engines."

Q. Now, what point do you as an engineman make with respect to that analysis of the firemen's work on diesels in 1943?

A. If you will note, that report mentioned oil filters, fans, purolators and gauges and other

indicators, steam generators, which require the fireman's attention. Nowhere in that report is listed any protective device whatsoever such as your ground relay, overspeed, low lube oil and such. Nothing is listed there. It evidently was not worth mentioning as a fireman's duty.

Q Well, based on your experience, witness, and the number of diesel miles you have made -- have you ever counted how many diesel miles you have operated or supervised in the cab?

A I have estimated it, sir, and I keep a pretty close check on it. I believe that in a diesel cab I have run 1,200,000 miles in service.

Q Now, based on your experience in regard to diesel engines and the observations that you have made from either supervising while riding the cabs of diesels or actually running them, running them as an engineer or being on them as a fireman, in your view is there sufficient trouble which might arise from protective devices not being reset to require a man on the diesel to deal with the resetting of protective devices en route?

A That was quite a long question. I don't believe I followed you there.

Q Well, based on your experience on diesel locomotives, Mr. Lawrence, in your opinion is there sufficient trouble arising from -- would sufficient trouble arise from not resetting protective devices en route to justify the

employment of a person to go back to reset those protective devices?

A No. Those protective devices, they operate just exactly what the name implies. They are protective devices.

BY THE CHAIRMAN:

Q What trouble would you have if you did not have a man to go back and reset while the train was moving?

B2 A You mean trouble to the locomotive itself?

Q Any trouble?

A We wouldn't have any trouble, sir. These protective devices are so designed to shut this engine down either to idle position or completely off. There would be no trouble.

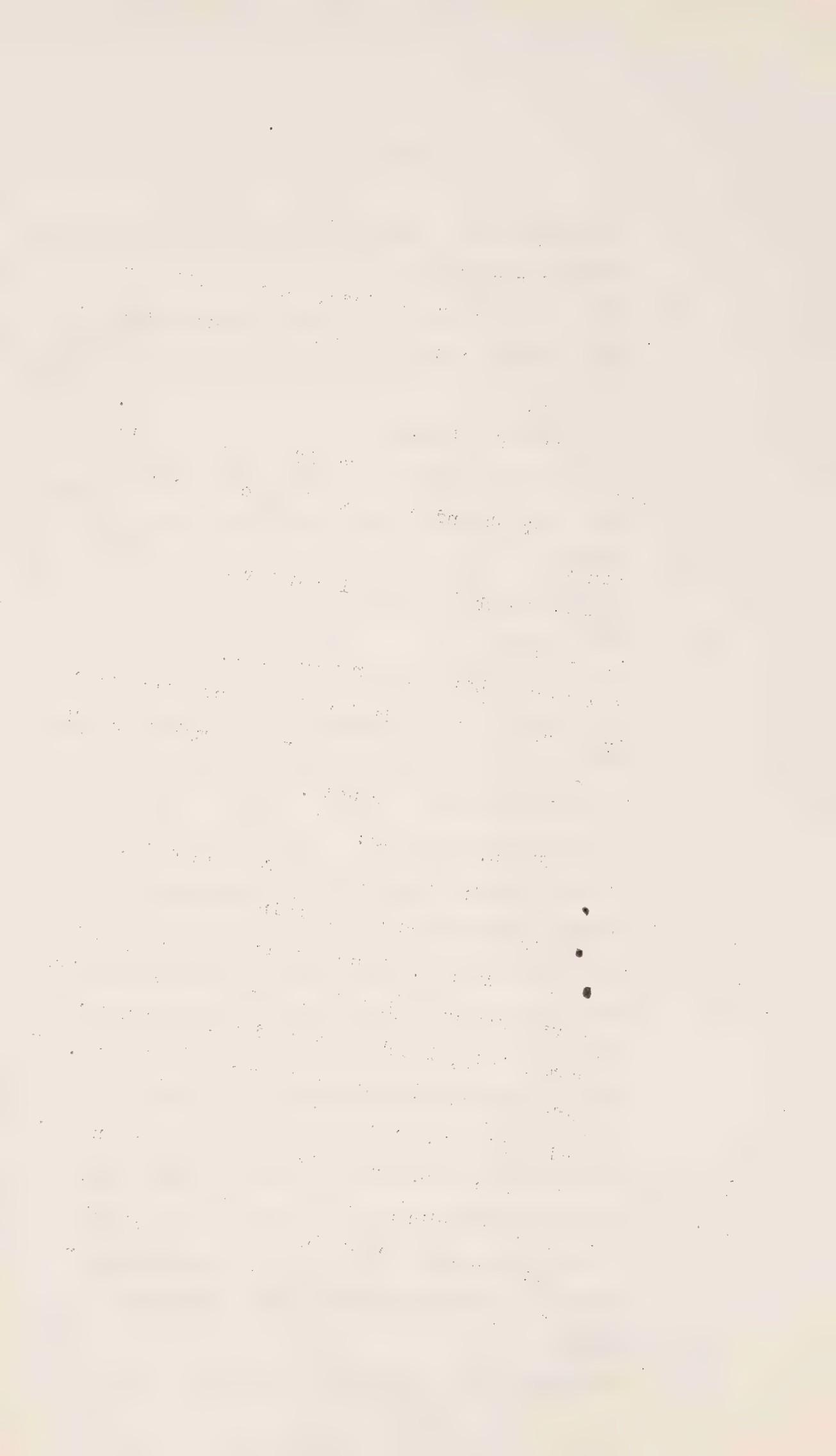
BY MR. SINCLAIR:

Q In your opinion would it affect materially the on time performance of trains?

A Definitely not. Your consists today of locomotives are such that if you were to lose a unit completely, which we have done, it would not affect your on time performance of trains. No sir, it would not.

Q Based on your knowledge of diesel engines and your experience on them, is it necessary for a fireman to go back and check the dynamic brake blowers or anything dealing with the dynamic braking?

A Absolutely not, sir. By the time the fireman



went back to check any dynamic brake blowers -- the only time that your blowers cut in on your grids is when you are in dynamic braking, so before he could do anything about it or check one, two or three units they would already be damaged or burnt out. The way they are designed now, if your blower is not working it will trip your ground relay and notify you of anything wrong with your blower motor for your grids.

Q Are there any lights in the cabs of the Santa Fe diesels that deal with trouble with dynamic brake grids overheating or anything of that type?

A They do not deal with trouble, Mr. Sinclair. There is a white light on the dashboard of a locomotive called a brake warning light. If he gets too far over in the amperage that is being carried into your grids it will light this light and notify him instantly that he is electrically overloaded in the grids.

Q What does he do?

A He eases off on the dynamic brake or your transition lever and brings it back within the range that he should be, that this locomotive is set for.

BY THE CHAIRMAN:

Q And if he does not?

A A very good possibility of burning out the grid, sir.

Q Then what happens?

A We just have no dynamic brake.

Q Would he get an alarm?

A He would get a ground relay alarm, yes sir, he would.

BY MR. SINCLAIR:

Q Now, Mr. Lawrence, I wish to discuss some of your work in yards. Part of your territory includes the Argentine yard of the Santa Fe at Kansas City?

A That is correct.

Q Have you made any special studies of yard work for the Santa Fe?

A I have, several.

Q For whom?

A For our assistant general manager, what we call a time and motion study. What he did with it I could not answer.

Q When was that done?

A That was done about a year ago.

Q How long did you spend in the yard at that time?

A I spent three weeks in that yard day and night and rode practically every job in the Argentine yard.

Q Doing what, riding engines?

A Riding engines.

Q Riding engines for all of that period?

A Yes, sir.

BY THE CHAIRMAN:

Q These would be yard switchers?

A Yard switchers, yes sir.

BY MR. SINCLAIR:

- Q Did you in that period have any mechanical trouble with the yard switchers?
- A No sir, we did not.
- Q Does the Argentine yard do industrial switching?
- A Yes.
- Q As well as straight yard switching?
- A Yes, lots of industrial switching.
- Q When you speak of the Argentine yard does that include the Santa Fe industrial switching in that section of Kansas City?
- A It does not include uptown, what we call uptown in Kansas City.
- Q Does it include other than uptown?
- A Yes, it does.

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Q Based on your study there, what was the general practice as to the relaying of signals from the ground to the engine?

A The general practice on the Santa Fe is that the signals were given direct to the engineer.

Q You say, on the Santa Fe; are you speaking of the system as a whole?

A I am speaking of my territory, sir, but I happen to know through conversations with others who determine what the practice will be on the Santa Fe.

THE CHAIRMAN: Your question was based on his three weeks' study which was confined to this particular yard.

BY MR. SINCLAIR:

Q What was the situation as you found it in this special study, witness?

A That the signals were given direct to the engineer.

Q Did you or did you not find any exceptions?

A No exceptions at Argentine yard, no, sir.

Q In this special study period?

A That is right.

Q Now, in Chicago have you made observations of switching in the Santa Fe yards there?

A I have.

Q And in the Corwith yard, which is the freight terminal on the Illinois division?

A I have.

Q What has been your experience from your observations as to the giving of signals from the ground to the engine in Chicago and in Corwith yard?

A Corwith yard is a straight lead switching, and since that time that I have made my studies in Corwith yard there have been several new warehouses built in Corwith yard which I am not familiar with, but up to that time all the signals were given directly to the engineer.

Q What about Chicago?

A That is Chicago, sir.

Q Corwith yard is Chicago; that is the freight terminal. What about industrial switching in the Chicago area, in the city: you have made observations there?

A No, I have not.

Q Now, based on your experience at Argentine yard, Kansas city, Corwith yard, which is the freight terminal for Chicago and Santa Fe, what did the firemen do on the yard diesel switchers?

A The fireman stayed on the left side and maintained a look out: that was the extent of his duty.

Q Did you or did you not find that the firemen were performing this in an alert manner?

A Some of them, yes, some of them, no.

MR. LEWIS: Mr. Chairman, I do not propose to cross-examine on this. I do not know just what interest the Commission may have as to how the firemen behave on the Santa Fe but, with great respect to my learned friend I think it is a little unfair because I am not here to answer for the firemen on the Santa Fe railway one way or the other. When he asks the witness about practices that have some

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general significance I admit its relevance, but I think this sort of question is not necessary.

THE CHAIRMAN: I suppose it can only be relevant as illustrating the tendency of human nature under certain circumstances; that is all.

MR. LEWIS: Well, --

THE CHAIRMAN: I think we are familiar with that without too much illustration.

BY MR. SINCLAIR:

Q Based on your observations in yards, Mr. Lawrence, did you come to any conclusions as to whether yard operations with diesels might be operated without a fireman without adversely affecting safety?

A Oh, definitely, they may. Our yard diesels can definitely be operated with one man without affecting any safety of operation, yes, sir.

Q Did you make a report of your observations to the management of the Santa Fe?

A I did, sir.

Q Was it in writing?

A No, sir, I do not believe it was -- no, it was not.

BY THE CHAIRMAN:

Q Mr. Lawrence, you said a little while ago that you thought there should be a man on the lefthand side of road diesels?

A That is right.

Q What comparison did you draw from the presence or absence of a man on the lefthand side of

the road switcher; that is, moving in the cab from the rear.

A The difference between yard and road, sir, is that you have a ground crew that you do not have on the road riding the footboard. This engine follower, as we call him, he rides this engine around; he actually rides the engine right through on the righthand side of the switch engine, and the engineer takes his signals from the follower. That is the difference between the hooded type road switcher and the yard engine.

Q You say the engine follower rides the engine around?

A What I mean by that is he gives him the signal from the right hand either from the platform or the footboard.

Q Always?

A Always.

Q So that if the switching engine is moving forward cab to the rear under your system of switching there is always a man at the leading point of the locomotive?

A Not always.

Q Under what circumstances not?

A If he were coming out, say, from a yard track where you have a curve to the right and the switching were lined for him, which the engineer could readily see before he came out, this

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engine follower, so to speak, if he were back five or six cars he would not walk up and get on the footboard to lead this engine out on the lead. but if it were to the opposite side and this engine follower was being called to cut the cars, either make a cut or whatever the case may be, he would then walk up and get on the point, yes sir.

BY MR. SINCLAIR: Mr. Lawrence

Q Mr. Lawrence, has the Santa Fe had experience with one-man operation of passenger equipment?

A Yes, we have had quite extensive experience with one-man operation on passenger equipment.

Q Single unit or multiple unit, or both?

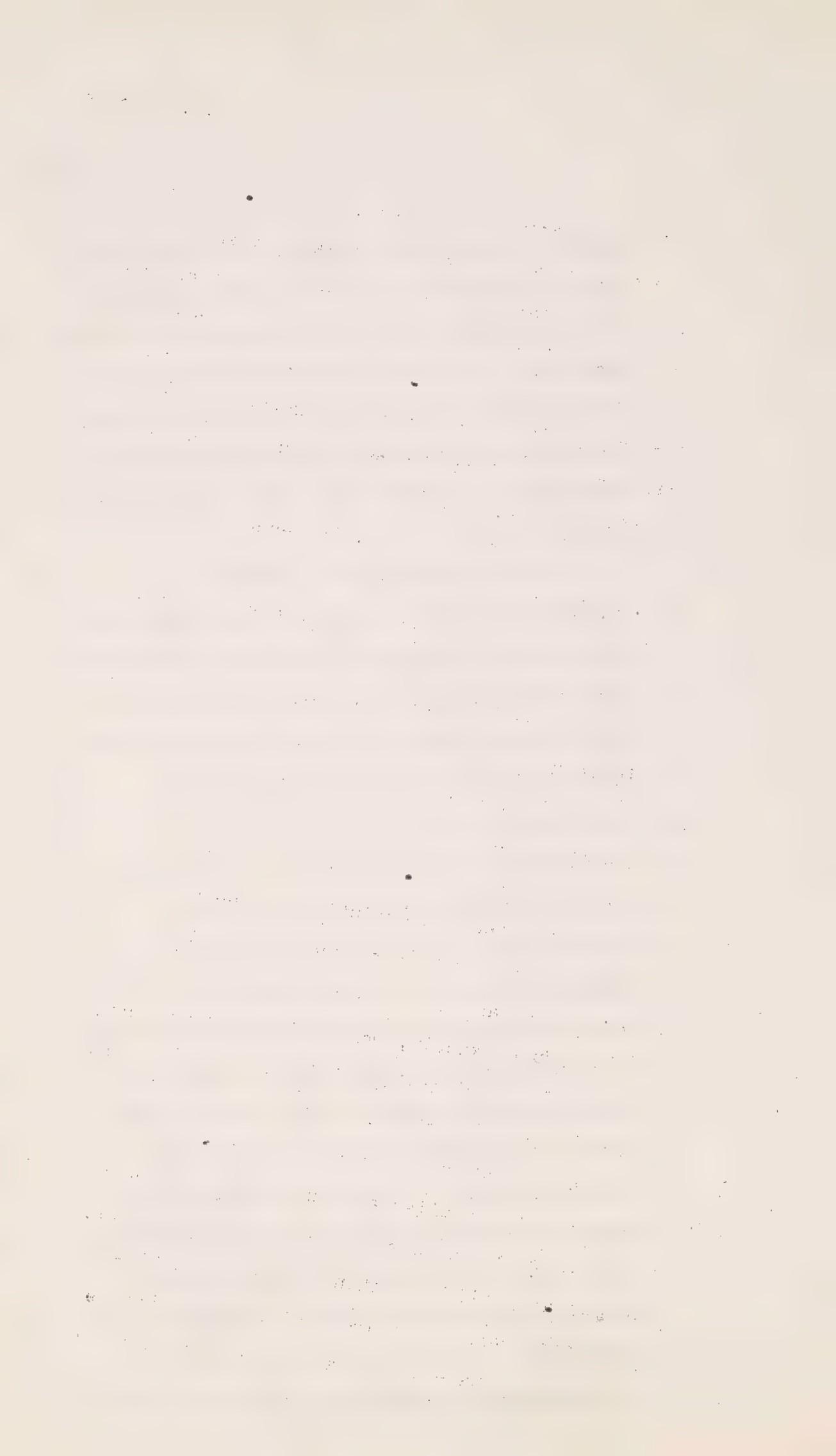
A Single unit, sir.

Q How long does that go back on the Santa Fe?

A From my records they go back to 1909.

Q What has been the evolution of one-man passenger operation on the Santa Fe?

A Well, we ran these so-called motor cars which look just exactly, well, like a street car, propelled originally with gas electric, and now diesel electric; we ran those on main line operations. They were governed to a speed of 65 miles an hour with the exception of one which had a speed of 80 miles an hour. We are still operating those locomotives or motor cars. We are operating 15 that perhaps make an average of -- the total for the



15 about 56,000 miles a week on branch lines,
some of the operation over main line.

Q Is that comparable to the Budd car?

A No sir, it is not. It is as far as the unit
is concerned, but it does not certainly resemble
any modern Budd car.

Q In what way does it not resemble it?

A It is kind of hard to describe this. It is not
a very pretty thing.

BY THE CHAIRMAN:

Q You are speaking about appearance are you?

A Yes. It would be comparable, I mean, as far
as capacity and work performed, yes, sir, it
would.

BY MR. SINCLAIR:

Q Does it have the cab on the lead, too.

A It does.

THE CHAIRMAN: I have forgotten whether
we had evidence as to the comparative safe
operation from the standpoint of accidents as
between these cars that the witness has just
been speaking about and passenger trains with
two men in the cab.

MR. SINCLAIR: Well, I was going to ask
Mr. Emerson.

THE CHAIRMAN: You may be coming to that.

MR. SINCLAIR: To deal with the Canadian
Pacific mileage of Budds.

THE CHAIRMAN: If you are coming to that,
all right.

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BY MR.SINCLAIR:

Q On the Canadian Pacific. Witness, do you run
Budd cars on the Santa Fe?

A We had two Budd cars on the Santa Fe and ran them
up to about two years ago but they are now what
you might say indisposed: they have been wrecked.

Q Is that the only two you had?

A Yes, to my knowledge.

Q Were they running in multiples freight?

A They were.

THE CHAIRMAN: Is there any difference
between the Budd car and the cars the witness
speaks about which were made by somebody else
and looked different.

MR. SINCLAIR: And older. I think they have
different types of brakes on them. Disc brakes on
the Budds; more modern type of car. There are a
number of things like that, sir. Basically they are
the same type. There has been some evolution in
design and materials.

BY MR. SINCLAIR:

Q On the two Budds that the Santa Fe had, witness,
what was the crew assignment on them when they
were running?

A You had an engineer and fireman, sir.

Q What was the reason for that in operation?

A That was due to the excess of 90,000 pounds on
the drivers, according to the agreement.

Q According to your collective agreement with the



firemen's union?

A That is right.

Q You said these are now indisposed. Were they involved in an accident?

A Yes, they were, quite bad accident.

Q You had better tell the Commission about it, witness.

A . . . It just happened on the Redondo Junction, California.

Q Do you know about it

A I do know about it, sir; I read the complete file.

Q * Were / you part of the investigation for the Santa Fe?

A Not on the committee, sir, I was in an advisory capacity.

Q In regard to this accident?

A That is correct.

Q For the Santa Fe management?

A That is correct.

Q Operating management?

A That is right.

Q Tell the Commission about the accident.

A I would like to sum it up briefly rather than go through this whole --

BY THE CHAIRMAN: Do it concisely.

A -- investigation at great lengths. This train left Los Angeles and was down to Redondo Junction, a distance of perhaps five, six miles. There is a slow order or a slow board, I should say, restrictive board on this curve, and these



Budd cars accelerate quite rapidly. They are very good in that respect. We use them for this more or less suburban, interurban service on our San Diego line. This car increased in speed to a speed of around 75 miles an hour passing this slow, permanent slow board showing restriction around the curve. The first slow board indicated 30, and I believe the second one, if my memory serves me correctly, was 15. At the time the engineer apparently or allegedly did not reduce the speed of this train. The fireman on the lefthand side obviously did nothing about it, but allowed this passenger train full of people to go around this curve at that speed. This train turned over, killed 39 people, and that is about the extent of that accident.

BY THE CHAIRMAN:

Q The reason that in the car other than the Budd car of this type you have only one man in the cab, while in the Budds you have two, is due to the difference in the weight on drivers?

A That is correct, sir.

HON. MR. McLAURIN: You run two Budd cars in multiple, Mr. Sinclair, with one person in front?

MR. SINCLAIR: We run quite regularly two, three, four and up as high as five.

HON. MR. McLAURIN: You have to have two men in front?

MR. SINCLAIR: No, sir, under our agreement, as you will recall under the diesel rule and as Mr. Gossage explained earlier and as I pointed out to Mr. Loomis, we have the right to negotiate with the organization, and we have done so, to the extent that we are running regularly three, four and five Budd cars --

HON. MR. McLAURIN: The new Budd cars.

MR. SINCLAIR: -- up as high as five with one man in the control cab. Regularly, we run three.

HON. MR. McLAURIN: That is the distinction between the American set-up and the Canadian.

MR. SINCLAIR: They have not that right. They have an absolute contractual obligation to assign firemen in the United States on 90,000 pounds,

and more than one Budd car coupled together exceeds 90,000 pounds on a driven axle. I have one more point I want to discuss with Mr. Lawrence and that has to do with the training of enginemen.

BY MR. SINCLAIR:

Q Has it been part of your duty to train enginemen on the Santa Fe?

A It has.

Q If a man was going to become a yard engineer -- pardon me, if a man was going to be a yard engineer on a yard diesel and he had only been a fireman, we will say, on passenger service, and he had passed his A book, his rules, and whatever mechanical examination there might be, how long do you think it would take you to qualify him to operate a yard engine, in either the Argentine or Corwith yards of the Santa Fe?

A I do not know exactly what you mean by A book. We are set up a little differently.

Q Having written his final rules to enable him to be an engineman?

A How long would it take him to run a yard engine?

Q Yes, he had not run an engine at all, he had just run as a fireman on passenger service on a diesel?

A If he has passed his final examinations to engineman, which covers a period, as it stands now, of three years --

Q As a fireman?

A As a fireman, and you were making a yard

engineer out of this man, I would not hesitate to put him on as an engineer regularly after a week's time. I would have no hesitation whatever.

Q Now, we will take the same man, and after he had been in the yards for, we will say, a few months, two months, you have qualified him for yard work and you want to take this man and put him out on the road as a freight engineer, how long would it take for you to qualify him to handle freight trains?

A This same man, I understand, you have reference to, is now a yard engineer?

Q Yes, and he has never run freight trains.

A There is considerable difference between -- I do not mean personally -- between yard engineers and road engineers. On the road it becomes a job of learning the road, which you must assume he has learned when he was on passenger. It becomes a job of train handling which you do not learn in a week's time or two weeks or a month's time. Train handling is our primary factor today, that is getting our trains over the road. Your engineer does not learn how to pull a throttle out like he did on a steam engine or how to adjust his different settings like he did on a steam engine; primarily, the job of training an engineer today is train handling. I would say

it would take perhaps three months, sir, to train a man to operate freight trains on the road.

BY THE CHAIRMAN:

Q Where does he get that training?

A Sir?

Q Where does he get that training?

A He would get that training by running with other engineers under supervision.

Q Where?

A On the road, sir.

BY HON. MR. McLAURIN:

Q He would have three months student apprenticeship?

A Approximately, I would say.

Q Running a train under the supervision of the regular engineer and so forth?

A That is correct, all trains are different, freight trains, due to the weight make-up, speed, tonnage and many other factors which enter into it, into train handling, that do not enter into operating yard engines.

BY MR. SINCLAIR:

Q Mr. Lawrence, one further question I wish to ask. What is the practice on the Santa Fe with regard to the number of units in the consist of freight diesels?

A The practice on the Santa Fe is we operate not less than three and sometimes five units, not over five. I assume you are speaking about

freight?

Q Yes?

A Yes.

MR. SINCLAIR: Please answer my friend.

BY MR. LEWIS:

Q This accident you talked about, Mr. Lawrence, that is the first time I heard about it. What year was that in?

A I believe it was about two years ago. I could not tell you the exact date.

Q Come now, you read the file, you said.

A Yes, sir.

Q You remember approximately the date?

A I do not.

Q You do not?

A I do not.

Q Which file did you read, the file of your company?

A I read the file of our company, yes, sir.

Q By the way, did the engineer and fireman get killed as well?

A They did not.

Q Did they get injured?

A Injury was claimed, yes, sir.

Q What do you mean by that?

A Injury claimed in his report by the engineer, if I recall correctly. The fireman did not claim injury.

Q I suppose you dismissed the men?

A We did.

Q Both of them?

A That is correct.

Q Right away?

A That is right, sir.

Q You cannot give me the dates so that I can look into the thing myself, Mr. Lawrence?

MR. SINCLAIR: We will give it to you.

BY MR. LEWIS:

Q I want the witness to give it to me.

A Perhaps it would be 1955, Mr. Lewis; that is not definite. As I stated before, I do not know exactly, but I would say it was 1955.

Q It would not be 1956?

A It could be.

Q Could it be 1954?

A I do not believe so.

Q It would be either 1955 or 1956?

A I would say so.

THE CHAIRMAN: I was looking for a thing last week which I thought was not longer ago than 1955 and it turned out to be 1951.

BY MR. LEWIS:

Q You said something about your studies in the yard and you made some report. I did not quite follow it -- you are making time motion study in the Argentine yard?

A A time and motion study.

Q In the Argentine yard and this other one,

the Corwith yard?

A No, I did not make any time and motion study in the Corwith yard.

Q What kind of study was it you made with regard to the need for firemen on diesels?

A It was not an actual study in respect to the need of firemen on diesels -- I assume you are talking about yard diesels.

Q Yes, we are talking about the yards?

A It was a study that was made and we actually kept track, when I say "we" the trainmaster was with me at the time -- I rode the engine and kept track of the activities of the engine crew and the trainmaster was on the ground and kept track of the activities of the ground crew. We listed everything that the fireman did, the time it took him to do it -- when I say "we" I should say I, because I was on the engine -- the time it took him to do it and so forth; that was the extent of the study.

Q That is the time and motion study you were talking about?

A Yes.

Q That is what I thought you were saying and I could not understand your answer that you said you did not make a written report?

A Perhaps I did not understand Mr. Sinclair's question.

Q Perhaps I did not understand the question or the answer, but you said something about not

having made a written report and I did not see how you could do that and make a time and motion study?

D-2

THE CHAIRMAN: There was one report he said he did make in writing but did not bother to find what was done with it and there was another one that was not made in writing.

THE WITNESS: I think they are referring to two different reports. One of them, I believe, on the study, I did not know what was done with it or what he was going to do with it, I did not know.

BY MR. LEWIS:

Q That was the time and motion study?

A That is correct.

Q What report was it you gave orally, that you did not give in writing?

A That was in a conference, sir, amongst our division personnel, which I assume they received word from our policy making personnel to get everyone's views on the need in our location for firemen on diesel engines.

Q You have had conferences of that sort, have you?

A Oh, yes, certainly.

Q How recently?

A I believe the last one we had was, I would say, last September, because September, sir, was the last one I attended.

Q Of last year?

A Last year.

Q Were you the only road foreman present or

did they have other road foremen as well?

A We had more or less a group of road foremen, engine personnel, mechanical men, who have to do with maintenance of our locomotives and keeping records, that is of any trouble encountered on the locomotives; it was a meeting in a group.

Q And that is the report you were referring to about your opinion regarding firemen being needed on diesels, is it?

A That is right, sir, I mean you would say it was a concensus of opinion that we arrived at at this meeting, and whether anything was written of the results of this meeting, I could not answer that.

Q What was the meeting about; what did you discuss?

A We discussed all phases of yard operation, road operation, different types of locomotives, our maintenance forces discussed troubles that we encountered on the road, troubles that they run into in the shops that they had discovered; all of that was discussed and was, I assume, formulated into one report and given to our policy makers.

Q This question of firemen came in in that general discussion, did it?

A Yes, it did, definitely.

Q You read from this emergency board report

of 1943, and after reading a passage to which I will draw attention again in a moment, you said there is no reference whatever to protective devices. As you were reading it, I noticed this sentence:

"....machinery in the engine room is enclosed, the control gauges and other indicators which need frequent inspection to ensure that everything is working properly....."

A Yes.

Q What does that refer to?

A It refers to your gauges, your oil gauges.

Q And the indicators?

A Indicators, yes; you have a fuel indicator back there and it shows you how much fuel you have in your tanks. There is an oil pressure gauge there, certainly; that is what it refers to.

Q What did you make out of the fact they do not specifically mention protective devices?

A They do not mention any like I say, perhaps today -- I should not say, "perhaps", we have today your ground relay which was not mentioned there; your overspeed was not mentioned; your low lube oil was not mentioned and your hot engine was not mentioned.



Q. You had these alarms in 1943?

A. Yes, we did, definitely.

Q. And the fireman did reset them?

A. He did.

Q. And it was probably correct that the Board was informed of that, or do you know?

A. I assume they were, yes.

Q. But you think that because they did not make any special reference to it there was some special reason; is that what you are saying?

A. I certainly know nothing about what the Board thinks. I certainly think if they deemed it worth mentioning they would have mentioned it in there along with their other duties.

Q. You think so?

A. I think that they would, but that is my own personal opinion.

Q. In the same report there is this paragraph on page 51. Mr. Lawrence, I would like to read it for you and hear your comments on it.

"The Board notes that it has been standard operating practice, governed by road regulations for at least four decades, that fireman shall watch for and exchange signals with the engineer and shall, in case

"the engineer should become incapacitated, take over and bring the engine to a stop. In so far as to the evidence before the Board indicates, there has been no suggestion among those responsible for operating rules to modify or alter the standard rules which seem so obviously essential to safe operation and it does not seem likely there will be any such proposal. It is apparent that a practice which requires a fireman in some instances to be away from his post alongside the engineer as much as 85 per cent of his time is inconsistent with these standard operating rules. Indeed, there has been no formal relaxation of the standard rules, except in one case, so far as we have learned, and that has been by bulletin. In other instances road foremen of engines have simply given oral instructions to the firemen excusing them from complying with the watching rule to the extent necessary to attend to



"their duties in the engine room"

What about that statement of that same Board about the practice of the fireman keeping a look-out, in view of what you said earlier, and taking the engineer's place if he is incapacitated, and which is essential, said the Board, to safe operation?

- A. I do not deny that, Mr. Lewis. We carry that rule in our rule book, that the fireman in case the engineer becomes incapacitated, that the fireman will stop the train if necessary. We carry that same rule.
- Q. What the Board said was that it was essential to safe operation. What is your comment on that, in your very long and deep experience?

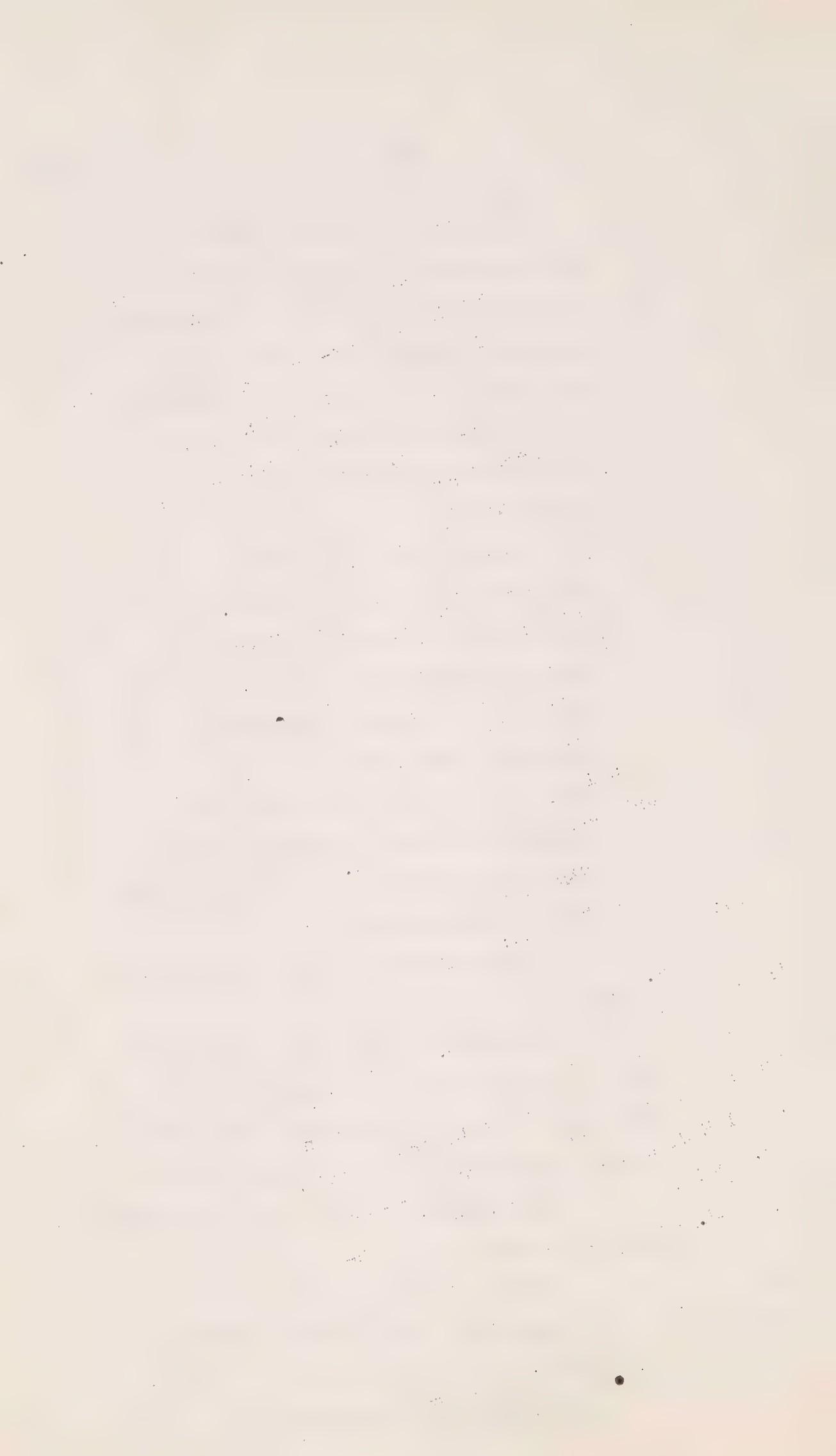
THE CHAIRMAN: This is a passenger train?

MR. LEWIS: Yes sir. This dealt with the request of both Brotherhoods for an extra man, for an additional man; one additional fireman and the other an additional engineer.

THE WITNESS: May I have your question again, Mr. Lewis.

BY MR. LEWIS:

- Q. The Board said that this was obviously essential to safe operation. Do you agree with the Board on that?



THE CHAIRMAN: What was?

THE WITNESS: That is what I was going to ask.

BY MR. LEWIS:

- Q. A watching look-out by the fireman.
- A. Watching and look-out is definitely essential, whether it is by the fireman or head trainman.
- Q. This deals with passenger trains where there is no head trainman in the cab?
- A. No, there are not.
- Q. The Board here says:

"In so far as to the evidence before the Board indicates, there has been no suggestion among those responsible for operating rules to modify or alter the standard rules which seem so obviously essential to safe operation and it does not seem likely there will be any such proposal."

That is a rule to which they had referred earlier, that the fireman was to keep a lookout and take the engineer's place if the engineer became incapacitated. It goes on to say:

"...which seem so obviously essential to safe operation..."

Do you agree with the Board on that?

A. I do agree, yes sir.

Q. I thought you had suggested that you do run passenger trains safely with just one man in the cab?

A. We have.

Q. Small trains?

A. Small trains.

Q. One or two cars?

A. That is correct.

A. Motor cars?

A. Right.

Q. You were not trying to suggest that it would be safe to run a large passenger train?

A. Neither am I trying to suggest that it would not be safe, Mr. Lewis.

Q. You think it might be safe to run a passenger train, whatever the passenger train might be, with just an engineer in the cab?

A. I think it would, yes.

Q. To that extent, therefore, you do not quite agree with this Board's opinion?

A. Not wholly, no.

Q. Then at page 53 of this same report, Mr. Lewis, dealing with the same subject of safety of operations and referring to the argument of the carriers that the way they were operating passenger trains was safe enough, and dealing with the statistics

presented by the carriers as to the accidents with diesels as compared with steam, which they claimed were fewer, the Board said:

"Furthermore, the statistics are negative in character. The basis of the watching rule is that two persons will be more likely to catch a signal than one. How many wrecks may have been averted by firemen calling an engineer's attention to a signal which the latter had not seen is, of course, not of record. Such positive statistics on the value of the watching rule are, unfortunately, not available."

You were a fireman for quite a few years?

- A. Yes sir, I was.
- Q. Did you ever personally have occasion to draw the attention's attention to something that averted an accident?
- A. Not that I can recall, sir.
- Q. You cannot recall anything?
- A. No, I cannot.
- Q. You ran as an engineer for quite a time?
- A. Yes, I did.
- Q. Do you have any recollection of a fireman ever alerting you to something that was happening on the left side?

A. As far as signals, no sir; you mean in relation to averting an accident, Mr. Lewis?

Q. Yes.

A. No, I don't recall anything like that.

Q. You ran an engine over the road, did you?

A. I did.

Q. You do not recall a fireman ever saying to you as you were approaching a crossing, "There is a car coming, I don't know whether he will make it" or anything of that sort?

A. Oh, yes, I remember that, sure; many time.

Q. You remember that kind of thing was done, that kind of thing being drawn to your attention, and your doing something like reducing speed or something of that sort?

A. Your question is do I remember doing something about his calling my attention to it?

Q. As a result of his calling your attention to something.

A. By the time you are approaching a road crossing at grade there is not too much you can do, depending of course upon the speed of your train. If you are running at a high rate of speed, 60 miles an hour, or 90 miles an hour with a passenger train, or even 40 miles an hour, if a

car did drive up on the crossing there is not anything you can do about it, absolutely nothing.

Q. I asked you whether you remembered doing something about it, I did not ask you a theoretical question.

A. I don't remember doing anything about it; no, I do not.

Q. You just listened to what the fireman had to say and ignored what he said?

A. I did not say I ignored what he said. The only thing he told me was there was a car coming. I would blow the whistle.

Q. And not reduce your speed?

A. No.

Q. Not make a reduction of your brakes?

A. Definitely no.

Q. Just keep on going the same way you had been?

A. That is right.

Q. In spite of the information which the fireman had given you?

A. The information, Mr. Lewis, as you give it to me was that a car was coming.

Q. I said, "A car is coming, I am not sure he will make it." That is the information I suggested to you.

A. Well, lots of times he did make --

Q. Pardon?

A. Lots of times he did make it. I would

not know whether he was going to make it or not. If we did that every time we ran a train over the road every time a car came up to a crossing and we didn't know he was going to make it, we certainly would not have good train operations. We just could not do that.

Q. But when the fireman informed you of this car approaching it would make no difference, you would just keep at the same rate of speed?

A. We would certainly hope sincerely the man would get across, or whatever the occupants were, but that is one of the deals about running a locomotive. You use your own judgment. If there was a chance for me to stop, I would certainly do so.

Q. But you do not remember any occasion where there was such a chance?

A. Not that the fireman informed me.

Q. You remember it when you saw it coming from the right side?

A. No, I had no inference in that reply.

This was the only occasion, we hit a bread truck one time, a large bread truck and he was in the centre of the track. There wasn't any point then -- this happened to be on a passenger train.

I have had the unfortunate experience of hitting several cars with passenger

trains, but not with freight trains, and each time we were moving at a high rate of speed and at the point where it happened in each instance the car had come around cars that were parked waiting for the train or had come behind a passing train. Perhaps the caboose would clear the track and it would immediately drive across without thinking of the opposing traffic. That has happened to me on three different occasions.

Q. I am asking you if you remember noticing a car coming toward you on your side of the engine?

A. Yes.

Q. And if you did and you were afraid he would not make it, would you do anything about it?

A. No, I would not no, other than blowing the whistle. There is nothing I could do about it. There wouldn't be anything you could do about it.

Q. You could not slow down?

A. You could slow down perhaps, but a locomotive is not like a wheel barrow, you just do not drop the handles and it stops; it keeps going.

Q. You can assume that at least I know what you have just said about the wheel barrow,

but just answer my question.

A. I am trying to answer your question.

Q. I am asking you if you could not slow?

A. I could slow down, yes.

Q. If you slowed down, is not the impact likely to be a little less serious than if you went at the same 40 or 60 miles an hour?

A. No sir, I do not believe that.

Q. You do not believe that?

A. I do not.

Q. It does not make any difference as to the speed you go, what the impact on the car would be?

A. I did not say that. I said if you hit a person at 60 miles an hour, 50, 40, 30 or 25, there is not going to be any difference in the result to the people in the automobile with a heavy locomotive.

Q. At what point will there be a difference, at what speed do you draw the line, based on your experience, Mr. Lawrence?

A. I do not believe I have that experience, Mr. Lewis, that I can draw a line of difference between the impact and speed. I do not believe I have that experience. I use the judgment that was delegated to me when I was promoted to engineer. I am on the locomotive and it is my judgment as to what I will do.

Q. All right, you use your judgment when you see what is happening on your side of the engine, right?

A. That is right.

Q. And if you cannot see what is happening on the other side of the engine you have to use your judgment on the basis of what the fellow on the other side tells you; is that not right?

A. That is correct.

Q. So he is your eyes on the other side of the engine, is he not?

A. What type of engine?

Q. The type of engine where you cannot see on the other side, Mr. Lawrence?

A. Yes, I would say he was, yes.

Q. This is the hooded type, what we call the car body type?

A. No sir, the car body type is where you have the cab immediately in front of the engine room.

THE CHAIRMAN: The hooded type is the road switcher?

THE WITNESS: The hooded type is the road switcher.

MR. LEWIS: I would like to straighten that out. Just for my information I notice on Exhibit 153 that you make a distinction between the hooded type and the G.P. type.

THE CHAIRMAN: I think the distinction,

Mr. Lewis, is that the G.P. includes the road switcher and the yard switcher, both of which have their engines out in the open, so to speak.

MR. LEWIS: The G.P. type includes both those?

THE CHAIRMAN: The general purpose.

BY MR. LEWIS:

Q. The general purpose and the hooded is the same?

A. That is correct.

Q. On this car body type you said you have all this view from the cab being in front of the engine?

A. That is correct.

--

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--

--

Q And do you have the same kind of view if you are coupled up cab to the cars?

A I don't follow you, Mr. Lewis -- when you are coupled up cab to the cars ---

Q Have you never had on the Santa Fe a case where a train was coupled up to the cab end of your car body type engine?

A You mean in road movement, Mr. Lewis?

Q Where else do you use them?

A We do not. We use those in road movement but we certainly do not push them over the road. We pull them.

Q I know that, but suppose you had some switching to do on the road. Have you never had the cars coupled to the cab end of the engine?

A Oh yes, certainly. I understand you now. I did not understand you before.

Q I do not see why you could not understand before.

MR. SINCLAIR: I could not understand you either, Mr. Lewis.

MR. LEWIS: Well, I do not see any mystery.

MR. SINCLAIR: You are making it mysterious.

THE CHAIRMAN: The question is understood now.

BY MR. LEWIS:

Q Would you have the same view if the cars are coupled to the cab end of the engine?

A No, we would not have the same view, no sir.

Q The cars would obstruct that view?

A That is correct.

Q And the engineer in that case would only be able to see through the window out of the side and along that side of the cars?

A He could not see through the window on his side.

Q Well, if he put his head out he could see along the side of the cars?

A That is right.

Q But he could not see along the other side of the cars?

A That is right.

Q You said that lookout is the responsibility of the engineer, that no matter what the fireman or head end brakeman may see it is his responsibility?

A I believe I used the word "primary" responsibility, did I not?

Q I don't know. I did not take that note. Perhaps you did.

A If I did I will repeat it. It is.

Q It is his primary responsibility. You have had something to do with disciplining employees on the Santa Fe?

A No. I sit in on investigations but I am not the authority that disciplines on the Santa Fe.

Q And have you on the Santa Fe to your knowledge disciplined firemen for failure to look out?

A Yes, I believe we have.

Q Because it is part of his responsibility to?

A Certainly. It is part of our operating rules.

THE CHAIRMAN: Would you like to break at this point?

--- Recess.

--- On resuming.

BY MR. LEWIS:

- Q You told us, Mr. Lawrence, that there has been something in writing about firemen being prohibited from patrolling units on the Santa Fe. There is something in writing about that, is there?
- A Something in writing, sir, about firemen patrolling units on road switchers, that if it becomes necessary to go from one road switcher to the next the train must first be brought to a stop.
- Q I understand you now to say -- you probably intended it from the start but I did not get it -- that there is no prohibition against the fireman going out say on the lead unit even though it is a road switcher?
- A Not that I know of in writing, sir. There has been verbal instructions which I myself have given that they will not go out on the running board of a road switcher while the train is in motion, but to my knowledge there is nothing in writing to that effect.
- Q You have given those instructions, that no matter what the speed of the train --
- A That is correct.
- Q -- they must wait until it stops before going out on the running board?
- A That is correct.
- Q Mr. Lawrence, when did you give those instructions?

A Oh, we have given those instructions perhaps
the last four years, three to four years.

Q Would that only be on your division?

A That is to the extent of my knowledge. I would
not say it was definitely on my own division. I
am speaking merely for myself, Mr. Lewis, on
that.

Q Well, Mr. Lawrence, my difficulty is that I spoke to both the engineer and the fireman on the Santa Fe in your division long distance this morning and they were not aware of any such instructions, either written or verbal. Is that possible, if you gave them to people that some of them may not have heard of them?

A No, it is not possible. It is very clear in the wording of the bulletin.

Q I am now talking about those verbal instructions you gave of people not going out on the running board even of the lead unit?

A No, I do not think it is possible that they never heard of them because I make it a point usually to contact the local chairman of the lodge and have him bring it up in a lodge meeting, and naturally contact as many men personally as I can.

Q And you contacted, did you, the local chairman of the fireman's lodge in Chicago?

A To my recollection, yes.

Q You instructed him that people are not to go out on the running board of the lead unit while the train was in motion?

A I asked him, if I recollect correctly, in these words, that if he would take it up at his lodge meeting to have these men not go out on the running board while the train is in motion. I took it up from a safety standpoint because we are very safety minded on the Santa Fe, and that is the reason I took it up, sir.

BY THE CHAIRMAN:

Q Why would you do it in that way rather than putting out a bulletin on the railway?

A I am not authorized, sir, to put out a bulletin: I am authorized in every respect when I see what I think is an unsafe practice to try to correct it to the best of my ability.

Q But you could bring it to the attention of someone in the railway who has authority to put it on the board?

A That has been done, sir.

Q Yes. but why would you not follow that practice in a case such as you are discussing?

A That has been done, sir, and why they did not put the bulletin out I would not know, sir.

BY MR. LEWIS:

Q What is the name of the local chairman you say you took it up with in Chicago?

A At that time the local chairman in Chicago I think for the engineers was a man by the name of Harry C. Spoonhour.

Q For the engineers?

A For the engineers.

Q Was he the fellow you talked to, or did you talk to the local chairman of the firemen?

A I took it up with the local chairman of both the engineers and firemen.

Q Do you remember the name of the firemen's local chairman?

A I am trying to recall the name of that man. They change quite often, sir, these local chairmen. In fact, this Mr. Spoonhour used to be the local chairman of the firemen. I do not recall the name of the local chairman in Chicago of the firemen at the present time, sir.

Q What year, roughly, was it you spoke to him.

A I would say approximately 1954, along in there, sir.

Q About 1954?

A Approximately.

Q You say there has been a bulletin issued by the Santa Fe prohibiting firemen from going from one road switcher to another while the train is in motion?

A That is right.

Q A bulletin issued in your division alone?

A No, a system bulletin, a system wide bulletin, yes sir.

Q Since you say such a bulletin has been issued no doubt you can lay your hands on it?

A I can get it, yes.

Q Would you please undertake to do so with the chairman's permission?

A I certainly would.

Q You said yesterday that there was one of these protective alarms every 1200 to 1300 locomotive miles and then you said something about that number having to be multiplied if you were in a

L.S.Lawrence

multiple unit consist. I do not quite understand it.

A The statement I made on that, I believe, was that I gave locomotive miles first. Is that correct?

Q Yes.

A The reason I said that you would multiply your number of units in your consist, you would be subject to perhaps in order to break that into unit miles, you would be subject to three times the exposure of the same equipment to alarms or mechanical defects. When you break that consist into unit miles you must multiply it by the number of units in the consist, or the total number of units involved in the study made.

BY THE CHAIRMAN:

Q You mean divide do you not? If your experience in one unit would be on the average of 1200 to 1300 miles before you got an alarm, if you had three units you would go only between 300 and 400 miles before you got the alarm in one of the three units?

A That is locomotive miles, sir. When you break into unit miles you multiply.

Q What do you mean by "unit miles"?

A Let us look at it this way. We have one unit. It would be the locomotive and the unit mile if that was the only unit in the consist. But you have a four-unit consist, which we run on our passenger trains or in some of our freight trains,

and you would be exposed to four times as much with four units as you would with one unit.

Q Quite.

A So you multiply the unit miles because they all make the same miles if coupled together.

BY MR. LEWIS:

Q You mean, if you have a four-unit consist you would still get one alarm in each 1200 miles, say.

A That is what it shows, yes, sir.

Q If you had a one-unit consist you would also get an alarm in 1200 miles. Is that what you are saying?

A One unit would be counted amongst the total units, yes, sir, that is right.

Q Your average therefore would be 1200 locomotive miles regardless of the fact whether the consist was one, two, three or four?

A Your locomotive miles would be made the same, that is right, sir.

Q Did you break that down to see how often your alarm would go, say, on a one-unit as compared with a four-unit locomotive?

A When you say "how often" just what do you refer to hours, minutes or distance?

Q Distance; we are talking about distance, Mr. Lawrence; obviously I mean distance.

A I do not believe I have, Mr. Lewis. I do not recall; possibly I have.

Q You referred yesterday to short time rating in
that the locomotive
telling the Commission / would slow on you
before you had a chance to reset the protective
device when going up a grade. Do you remember
that?

A Yes.

Q You made some reference to the short time rating.
first, are your units General Motors or Alco
or Fairbanks Morse?

A We have several various types; in my territory
we use exclusively EMD electric locomotives.

Q That is General Motors?

A That is General Motors, that is right.

Q Do you use 1,750 horsepower?

A Not in my territory, sir.

Q What horsepower do you use?

A 1600.

Q 1600; that I understand, is the same as 1500
except that in the 1600 you take the horsepower
for the auxiliaries on the engine itself?

A No, sir, it is not.

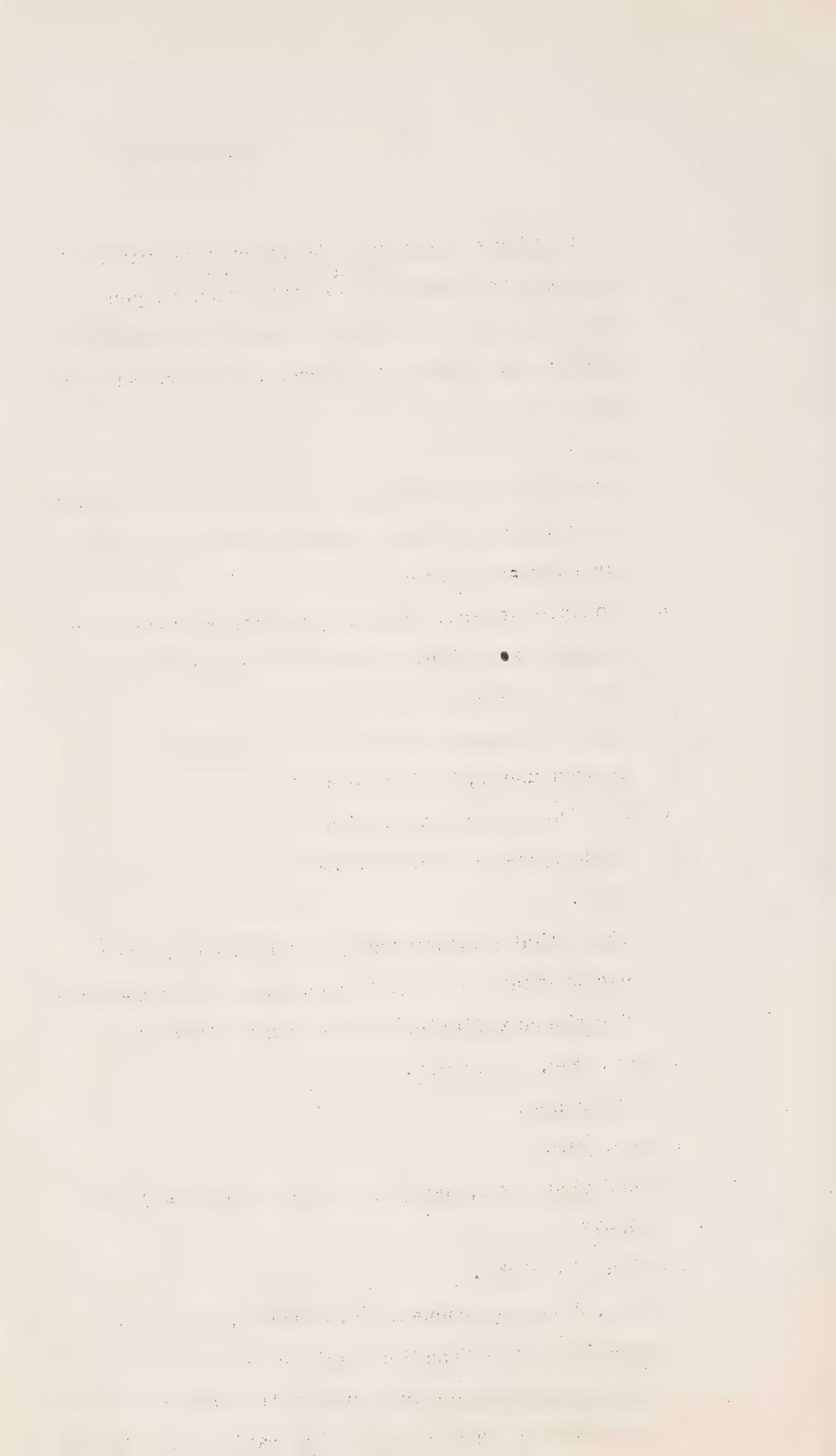
Q It is not?

A No, sir.

Q And that 1600, would it be what they call the
GP-7?

A That is right.

Q Now, I am instructed, Mr.Lawrence, that the
GP-7's on the Canadian Pacific -- I do not
know whether they are exactly the same as the ones
you have -- have a short time rating only if the



engine is geared to a speed higher than 65 miles an hour. Is that right in your case?

A It is not so, sir.

Q It is not.

A I am speaking strictly Santa Fe; I do not say it is not so on the Canadian Pacific.

Q In the Santa Fe General Motors engines you have a short time rating no matter the speed the engine is geared to?

A Quite definitely, yes sir.

BY THE CHAIRMAN:

Q Short time rating?

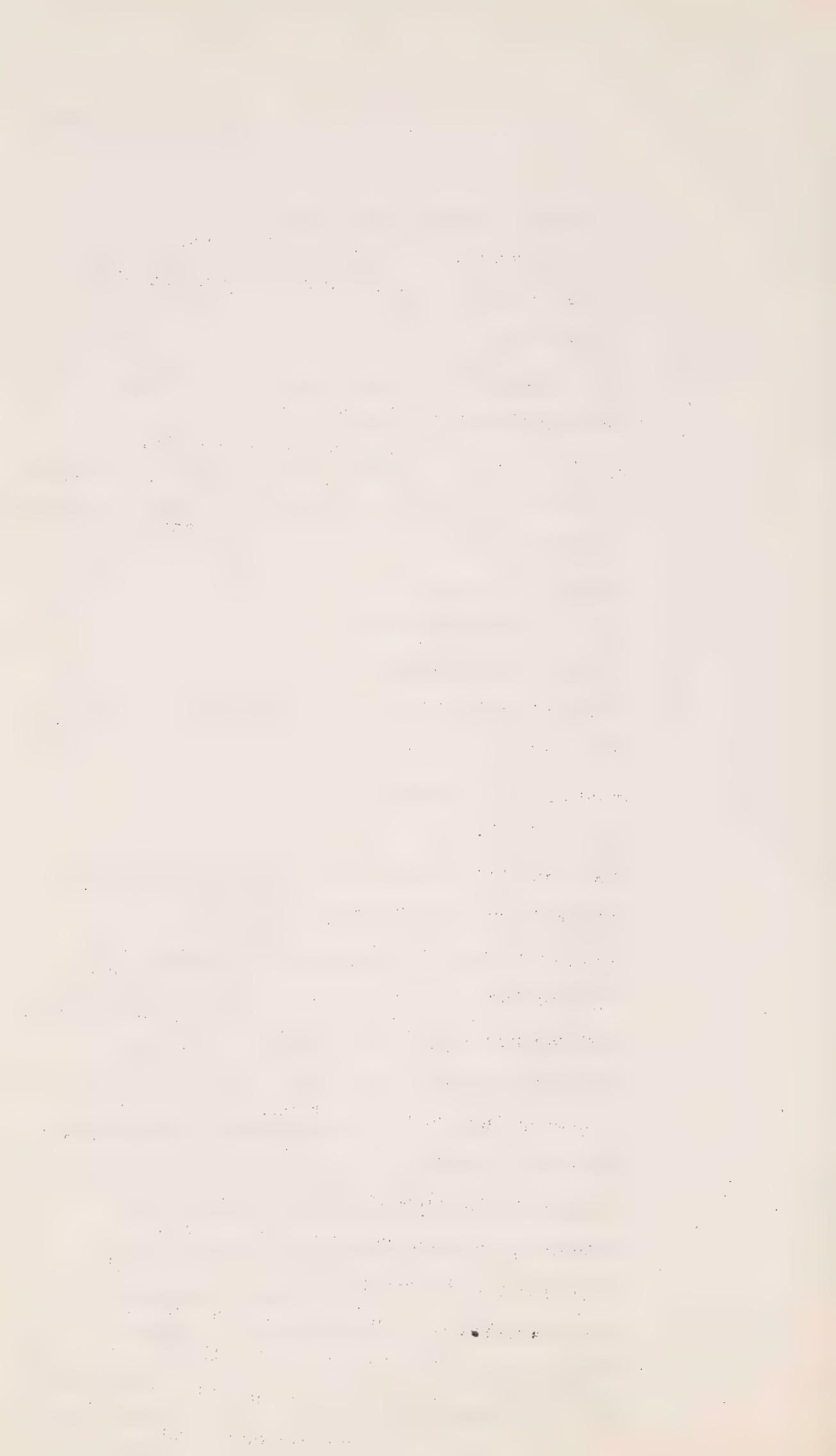
A Short time rating. Would you like me to explain that?

BY MR. LEWIS:

Q Yes, do that.

A There is an amperage ammeter and a transition ammeter in the cab of the locomotive.

As you increase the resistance because of a difference in your tonnage, or grade conditions, your ammeter needle will swing to the right showing increase in ammeters, and obviously if you try to pour too many ammeters in the traction motor it is capable of dissipating only so much energy, and you can vary that speed. The slower the diesel locomotive goes the higher the amperage. You can vary that speed and each locomotive is equipped with a plaque on the dashboard of the locomotive showing the short time rating such as our first locomotives



that came out. They were the FT type, 750 horsepower. They were shown in miles rather than time. Our new locomotives, are shown in minutes that they are allowed to run in any one amperage setting or indication, I should say.

Q What is the number of minutes that your 1600 horsepower GM engines show for the short time rating?

A I would have to check that, sir.

Q I am instructed it is 15 minutes, so far as my experience with the Canadian Pacific is concerned?

A Fifteen minutes and 950 amps, I believe.

Now, that could be different. I could very readily check it for you right here.

Q Do it, please?

A You are talking of the GP-7?

Q You have told me that is what you used in your division?

A I did not; I said we used exclusively Electro-motive or General Motors, not necessarily GP-7. We only use the GP-7 on our longer service in the territory.

THE CHAIRMAN: What is the GP-7?

MR. LEWIS: That is the 1600 horsepower General Motors.

THE CHAIRMAN: Is it any type?

BY MR. LEWIS:

Q Is it any type, or what?

A It is a road switcher, sir. The short time rating as listed in this Electromotive manual put out by the Electromotive people is listed at 15 minutes at 950 amps. for the GP-7.

Q Any fewer minutes for more amps.?

A No, you have a continuous rating of 825 amps. It breaks it down in a two-hour rating, 865 amps; one hour rating at 900 amps; half-hour rating at 925 amps and 15 minutes rating at 950 amps.

Q Suppose you had this GP-7 on this grade; you would have 15 minutes in which to reset your device, and I think you said it takes two or three minutes to inspect and patrol engines, didn't you?

A On the GP-7 you do not patrol, sir.

62-15 -- as I previously stated it is in miles rather than in minutes so the maximum distance in miles and speed is what it amounts to. It is not in amperage. You may go for a distance of one mile at 8 miles per hour. You may go a distance of 2 miles at 9-6/10 miles per hour. As I stated before the slower a diesel goes the more energy is put into the traction motors, the amperage increases. You may go a distance of four miles at 10-7/10 miles per hour; a distance of 8 miles at 11-6/10 miles per hour. The continuous rating is $14\frac{1}{2}$ miles per hour. You can run continuously at $14\frac{1}{2}$ miles per hour.

BY MR. LEWIS:

- Q You can translate that into minutes in view of the fact it gives you the speed in the number of minutes which you can operate. Suppose we take the first figure you gave?
- A For this type of locomotive?
- Q Yes?
- A Your low rate is 1 mile at 8 miles per hour.
- Q That would be one-eighth of an hour or about 7 minutes?
- A Yes.
- Q Then, as you would have more than 7 minutes, would that not be time enough to reset the protective device?
- A Depending on what unit you are in, sir, and what unit this protective device would trip. First, you have to locate your trouble which

- Q It would take 15 minutes to reset the device?
- A No, sir, because it is reset from the cab.
- Q **Pardon?**
- A It is reset from the cab.
- Q What other General Motors engines do you use?
- A We have the car body type, practically -- well, it is on all our through freights, car body types, in my territory.
- Q In multiple units?
- A In multiple, yes.
- Q A and B units, I suppose?
- A We classify our leads, cab unit, the lead unit as an L unit and our booster unit, that is your additional units, are classified as A and B units.
- Q And the A unit has a control cab and the B unit has not?
- A The A unit does not have a control cab and the B unit does not have a control cab but the L unit does and your C unit does.
- Q What is the short time rating for this?
- A Again, may I check, sir?
- Q Yes, certainly.

THE CHAIRMAN: When you get an opportunity I wish you would have the witness explain the significance of this 15 minutes within which they have to do something; I am not following it.

MR. LEWIS: Yes, sir.

THE WITNESS: The short time rating on the 100 Class locomotive, with a gear ratio of

you have, I would say, an idea or practically a definite knowledge, and when you go back into the car body --

Q There is a signal in each one of the car bodies and all you have to do is look at the place where the signals are registered, is that not right?

A There is a signal in that type of engine that would show a hot engine but it would not show a ground relay, and it would not show an overspeed. The only indication you would get of either a ground relay trip or an overspeed trip would be a low lube alarm due to the fact the engine has died.

Q You mean on this type you get no alarm for a ground relay or an overspeed?

A That is correct, other than a low oil indication.

Q A low oil indication?

A That is right.

Q That the engine has gone to idle?

A If your throttle is in five or six, the engine will die.

Q But if it is in eight, it will go to idle?

A That is correct, sir.

Q You still do not think the minimum of $7\frac{1}{2}$ minutes would be enough for you to reset the device?

A That again, I believe, would depend on the individual. I know some men we have that

probably could very readily identify what the difficulty was, but by the time you check each unit, and let us assume it was the last unit of a three-unit or four-unit consist, by the time you would check each unit, it takes a little time because you have to open your overspeed in your engine and your ground relay is enclosed in your high voltage cabinet. It would take a little time to find out just the nature of your trouble.

Q You say there are some men who could find it pretty quickly?

A Like any other business, Mr. Lewis, we have some men with more knowledge than others; some men are more energetic than others and that is why I make that statement.

BY THE CHAIRMAN:

Q What members of the crew are you talking about or are you talking about the crew?

A I am talking about the firemen, sir.

BY MR. LEWIS:

Q The Chairman, Mr. Lawrence, wanted to know the significance of this 15 minutes short time rating or the 1 mile distance at 8 miles per hour, which is roughly $7\frac{1}{2}$ minutes?

A The short time rating is based on the amount of energy a traction motor will dissipate. Obviously, if you are standing still -- I might make it a little bit clearer -- with the brakes on your locomotive but not allowing

it to move, you create a resistance by opening your throttle. Your diesel engine, turning your main generator, is putting electrical energy to your traction motors and if not allowed to dissipate according to its capacity, it would naturally and obviously burn it up. It reacts in the same way in movement. They will handle so much electrical energy, and that is all.

BY THE CHAIRMAN:

- Q Then, as you are going along and the indicator shows to the engineer -- does it?
- A That is correct, sir.
- Q That the ammeter is in a certain position?
- A That is right.
- Q And the only information he gets is by reading the ammeter?
- A That is correct.
- Q There is no alarm?
- A No alarm.
- Q When the needle moves over to that position he knows that in 15 minutes, what is going to happen?
- A He must, according to the rule, reduce his throttle, sir, to drop that amperage meter. By so reducing his throttle, he reduces the output of electrical energy to his traction motors by slowing the main generator down.
- Q He does that at once?
- A No, he has a right to operate for 15 minutes

in this short time rating.

Q Within that period, then he slows the motor down?

A At the expiration of this 15 minutes he reduces the throttle, dropping it into another notch, that is, before the ammeter -- perhaps I could illustrate?

Q No, you just stay where you are. He drops it into another zone, and if the movement was taking place normally, without too much resistance, that would simply have the effect of reducing the speed of the motor, would it?

A Are you talking of short time rating where the ammeter is in short time rating?

Q I am talking about the throttle. You said he would move the throttle?

A He would reduce the throttle.

Q He would reduce the throttle and that would simply have the effect of reducing the speed?

A Depending on the location, sir, on the grade.

Q Depending on the location, yes. If he does not change the throttle, then what happens?

A He is subject to burning the traction motor commutator.

Q Does he not get an alarm?

A No. He will eventually get an alarm due to the fact he has burned the traction motor and probably caused an electrical short.

Q Then, when he gets a danger sign from what he sees in the position of the ammeter needle,

he has to reduce the throttle?

A That is correct, sir.

Q And will that, in all cases, bring about the remedy?

A Yes.

Q That is, he simply runs the unit at a slower speed?

A He runs all units, in a multiple unit.

Q He runs all units at a slower speed?

A That is right.

Q If that speed is not enough to take care of a situation on the controlling grade, if he is on the controlling grade, he has to stop?

A That is correct, sir.

Q Then, it is a question of what?

A Doubling the hill, usually, what we call doubling the hill, taking a portion of your train to the top of the hill, setting it out and coming back and getting the remaining portion.

THE CHAIRMAN: I see.

BY MR. LEWIS:

Q You were talking yesterday in connection with if a protective device applied, and you were on a hill, and you had this short time rating, that the locomotive would stall before you had time to adjust it, to reset it; wasn't that what you said?

A I believe it was; that was in a general way.

MR. SINCLAIR: Page 4001 of the transcript, if you want to be accurate.

MR. LEWIS: Was I not accurate?

MR. SINCLAIR: I do not think you were.

MR. LEWIS: It may be. I shall check it.

"Q. Take a three or four-unit diesel consist. You mentioned your tonnage was fixed to the controlling grade. If you were on the controlling grade with a three or four-unit consist and an alarm sounded, a ground relay or a low lube alarm, resulting in lost power, in your experience, Mr. Lawrence, could that protective device be recovered before you stopped?

A. You mean before the train stalls?

Q. That is right?

A. No, sir, it could not, because to reset the ground relay -- on the ruling grade with a tonnage train you are at the minimum speed you can do in the short time rating provided by the manufacturer and put out by the company, and by the time you get back into the first unit or the second or third unit

"your amperage gauge would be over on the red and your short time rating would be exceeded, and to put the engine back on the line, it is just not done and you would be stalled."

With great respect to my friend, I do not think I was inaccurate.

MR. SINCLAIR: Oh, yes. I think the witness made this very clear. You are in the short time rating before the alarm sounds. If you have only got a mile to go, you may be three-quarters already in short time rating, and that answer is very clear.

MR. LEWIS: Or you may be a yard in the mile in short time rating.

BY THE CHAIRMAN:

Q I think you said, Mr. Lawrence, that in that situation, where the 15 minutes or whatever it is running, you do not get any alarm until the end of that time and at that time the damage is done?

A You do not get the alarm at the end of the time unless -- I believe I said unless the damage to the traction motor had progressed to the place that you would get a short in your traction motor and cause an electrical ground which would, in turn, trip your ground relay.

Q Yes, and so far as the operation is concerned,

the manufacturer does not provide an automatic device to protect against the damage which would occur if you went, say, 15 minutes or whatever it was, the construction of the unit is such that the protection against damage is left to the operation of the engineer?

A That is correct, sir.

THE CHAIRMAN: I do not see what this question of alarm has to do with it, speaking for myself.

MR. LEWIS: What it has to do with it is that supposing you get a low lube alarm and you had already started into the short time rating curve, or whatever you want to call it, the point was that unless you got it down within that short time rating time you would be stalled.

THE CHAIRMAN: Unless you got what?

MR. LEWIS: Unless you got the alarm device reset. As I understand it, and Mr. Lawrence will correct me if I am wrong, the alarm the witness was talking about was not related to the amperage, it was an alarm resulting from the low lube.

THE CHAIRMAN: Something else.

MR. LEWIS: The things I have just referred to, alarms from the protective devices Mr. Sinclair referred to. The point was that if such alarm ever occurred when you were in the short rating distance or time period --

THE CHAIRMAN: The time would still run.

MR. LEWIS: The time would run, but the witness said, if I understood him correctly, that you would not take time to adjust that protective device.

THE CHAIRMAN: That is right,

Mr. Lewis. This short time rating or the expiration of that has nothing to do with your theoretical alarm that you asked me about; is that correct?

BY MR. LEWIS:

Q. That you discussed yesterday?

A. Yes, it has nothing to do with it, the short time rating. This is purely an instance where you are in your short time rating with a tonnage over the ruling grade and while you are in that rating or while you are on this ruling grade you would have an alarm that would develop into a loss of power.

BY THE CHAIRMAN:

Q. Then you would simply have two things that are going to reduce power and bring it to a stop if you cannot fix one or both.

THE WITNESS: The short time rating is entirely up to the engineer, whether he stays in it or does not stay in it.

BY THE CHAIRMAN:

Q. Unless he reduces his power he will damage the engine?

A. Yes, but that may not occur instantly on this grade; it may show up a week later due to the initial damage on this grade.

Q. Whether he knows about it, the damage

is inevitable unless he takes a proper course?

A. That is correct.

Q. And if he does reduce his throttle and he has a low lube alarm, which either in his engine or in some other unit has brought the engine to idle, then he would have two sources of loss of power; the first one, and the one that the alarm is indicating?

A. That is correct; No. 1 by the reduction of his throttle on that particular unit, and No. 2 by the loss of the whole unit.

BY MR. LEWIS:

Q. To go to another point. You said yesterday, and I think you repeated it this morning, that when you first went on passenger diesels at that time the fireman was kept in the engine room?

A. That is right.

Q. On the Santa Fe?

A. That is correct.

Q. That would be at what time?

A. I am talking of passenger trains now.

Q. Would it be 1949 and 1950?

A. No, that was previous to the watching rule. I don't know the exact date of the watching rule.

Q. Previous to 1943 or 1944?

A. Yes sir, whatever the date of the watching

rule was.

- Q. You went on to say at page 3995 in Volume 28, referring to the fireman:

"He could go up and have a smoke. I don't know if I just got tangled up with a bunch of mean engineers, but that is where they kept us. We were back there with the maintainer for instructions, and the engineer was up there by himself.

- Q. For the entire trip?

A. Yes sir."

- A. As far as the time having a smoke, yes sir; we usually made it last as long as possible.

- Q. Do you remember giving evidence before the Arbitration Board that reported in 1954?

A. 1954?

- Q. The 1954 Arbitration Board; the hearings may have been in 1953, but it was dealing with the question of the second fireman?

A. Yes, I do.

- Q. You gave evidence as a road foreman on the Santa Fe?

A. That is right.

- Q. Do you remember that you started your evidence with a prepared statement?

A. That is right.

Q. Mr. Lawrence, I read through that evidence last night out of interest. By the way, you gave that evidence under oath?

A. I did.

THE CHAIRMAN: Gave evidence where?

MR. LEWIS: Before this Arbitration Board, under oath.

BY MR. LEWIS:

Q. In the prepared part of your statement, which appears on page 871 of the Transcript of Proceedings of the Arbitration Board, 1953-1954, you said this:

"It was my own personal observation that in 1937 and thereafter, the diesel fireman or helper on passenger trains had very little to do, in either the cab or the engine-room. He usually rode in the cab and while there observed the right of way and checked signals with the engineer in the same manner as he had done on the steam locomotive. There was little else for him to do in the cab, for at that time the steam separator blow-down button on passenger diesels had not been placed in the cab in front of the fireman's

"seat as it later was.

Sometimes the maintainer asked the fireman to give him assistance back in the engine-rooms, and occasionally the fireman went back of his own accord. When he did so he gave the maintainer whatever help was asked for in the performance of incidental tasks and minor repairs and adjustments, and in that way gained some knowledge of the gauges and switches and other apparatus in the engineroom. However, he rarely operated any of the manual controls, except when asked to do so by the maintainer.

When the watching rule was agreed to in 1943, the fireman's job on passenger diesels was changed to the extent that on passenger trains he never went back from the cab to the enginerooms except at stops, and in practice he seldom went back even at stops."

That evidence was given in 1953, Mr. Lawrence. Does that sound as if the

fireman was always back in the engineroom during the entire trip?

- A. I believe it reads: "1937 and thereafter".
- Q. Yes.
- A. I said "thereafter". I had reference to -- it has been some time ago -- that was after they had the definite watching rule. I believe I stated it had been my observation, and in this hearing here I believe I stated that perhaps I was firing for a bunch of mean engineers. We spent considerable time in the cab with various engineers, but the rule was this, that you would spend your time in the engine room with the maintainer.

In 1937, Mr. Lewis, I just came to the Santa Fe and when you first hire on a road certainly you do not go out on passengers, you go on -- I believe you call it the spare board here.

- Q. Mr. Lawrence, may I interrupt you. I asked you whether that appeared as if the fireman was in the engineroom all the time?
- A. No, it does not.
- Q. You referred to diesel firemen or helpers on passenger trains; you made clear you were talking about passenger trains there?
- A. Right.
- Q. You gave your evidence under oath in 1953

and you gave it yesterday about the same period; was it not about the same period, before the watching rule?

A. The period that I was on passenger, yes sir.

Q. Before the watching rule?

A. That is right.

Q. You told this Commission yesterday that at that time the fireman was all the time in the engineroom right through the trip?

A. I did not say the fireman; I said this fireman.

Q. It was your experience; you were right there in the engineroom; were not you the same person?

A. Yes.

Q. Talking in 1953?

A. Yes.

Q. Were not you talking about your experience?

A. Yes.

Q. But in 1953 you indicated to the Board that the fireman was not needed in the engineroom, that is an extra fireman, but yesterday you indicated that he was not needed in the cab; is not that right?

A. I don't know what the question intended to prove or the answer intended to prove. I just tried to answer your question.

Q. Then in 1953 you said in your prepared statement, and I quote from page 870 --

MR. SINCLAIR: Are you not going to give him a chance to answer?

MR. LEWIS: I think he had finished his answer. If he wants to say anything else, he will ask to do it.

BY MR. LEWIS:

Q. Here is what you said, and I quote from page 870:

"The assigned maintainer sometimes came forward to the operating cab to talk with the engineer and fireman, and especially to report to the engineer any conditions in or around the engines which might affect the engineer's ability to make the schedule.

He also occasionally asked the fireman to come back to the engineroom to help him, but usually such help was not needed. However, it was a practice of mine, when I was firing, to go back into the enginerooms in order to learn from the maintainer something more about the function of the engines and the various controls

"gauges, and other appurtenances in the enginerooms. Many other firemen on diesels followed the same practice too, to my knowledge."

Does that sound as if you were not in the engineroom for the entire trip?

A. I believe I stated, Mr. Lewis, or you just read that it was a practice of mine.

Q. To go back?

A. To go in the engineroom.

Q. In order to learn?

A. That is correct.

Q. From the maintainer?

A. That is correct.

Q. You do not suggest then that you were in the engineroom all the time throughout the trip?

A. You can put it that way, it was a practice of mine, and when you practice to do something you usually spend considerable time at it.

Q. I think you have already informed me that you gave evidence before the Arbitration Board under oath, as you did here yesterday?

A. That is right.

MR. LEWIS: I have no more questions,
Mr. Chairman.

MR. SINCLAIR: I have no re-examination,
with one exception, having to do with the way in

which I think Mr. Lewis has confused this issue about the short time rating. I am wondering whether it is necessary to clear that up for the Commission. I think this witness can do it. I am in the hands of the Commission in that regard.

THE CHAIRMAN: I think I understand it personally.

MR. SINCLAIR: I do not think the record will be very clear on it, but if the Commission understands it, rather than take the time, I will not pursue it.

THE CHAIRMAN: I take it you were asking me the question, if I understood it.

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Follows

BY THE CHAIRMAN:

- Q Are the engines in freight service on the Santa Fe equipped with what has been referred to here as a dead-man control?
- A They are, sir.
- Q And it is kept in operating condition?
- A It is, sir.
- Q And what about yard switchers?
- A They are not equipped.
- Q Not used, therefore?
- A No, sir.
- Q Are you familiar with the electric locomotives that are on the electrified portions of the Santa Fe?
- A We do not have any electrified portion of the Santa Fe, sir.
- Q Oh, I am sorry. I am confusing two things. Thank you.

MR. SINCLAIR: Mr. Kiley was to be recalled.

JOHN PARRELL KILEY, Recalled

BY MR. LEWIS:

Q Mr. Kiley, there was a question I intended to ask Mr. Loomis but I wanted to check it first. Perhaps you can answer it. If you do not know, I think Mr. Loomis is in the room. I understand that under your Railway-Labour Act in the United States you have to establish an emergency, as it were, by the taking of a strike vote or the threat of a strike before you can obtain an emergency board?

A It is to settle a dispute that cannot be settled through negotiation and mediation, that there is a strike threat. I think that is the proper answer.

Q And it is only if there is a strike threat that you can have an emergency board appointed by the president?

A I think that is right.

Q That is right?

A That is my understanding of it.

Q And that was the case in 1934, 1935 and 1936, as well as today?

A I cannot say exactly but it is my recollection that it was a threat of a strike on an individual railroad that they were setting up an emergency board and then they settled by agreeing they would go to national conference and negotiate on it.

Q Right. Now, how long is it since the Milwaukee has had the electrified portions of its railway?

A The first section covering 440 miles between Harlowton, Montana, and Avery, Idaho, went into operation in 1916. The second section from Othello to Tacoma went into operation -- it is either 1919 or 1920.

Q And they have been in operation ever since?

A Yes, sir.

Q And are my instructions right that you have had firemen in them ever since they started?

A Yes, sir.

Q And are my instructions also right that you never raised the question of removing the firemen from these electric trains on your electrified lines?

A That is right. As far as I know it has not been done in my experience in connection with operations.

Q And on these electrified portions of your line you move freight as well as passengers?

A Yes, sir.

Q And in the freight service on these electric trains you have three men in the cab in the same way as you have them in your diesel operations?

A Yes, sir.

Q An engineer, a fireman and a head end brakeman?

A Yes, sir.

Q As a matter of fact, if I remember correctly -- correct me if I am wrong -- even in the notice of the railroads in 1956 to remove firemen from diesels electric trains were not included, were they?

A I am not sure.

Q Now, is there more reason for having a fireman on an electric engine or an electric locomotive than there is on a diesel locomotive?

A No, I think if anything probably a good deal less.

Q Less reason?

A The electrified territory of the Milwaukee, of course, is in pretty rugged country, and while I question that there is any advisability of having a fireman on an electric, particularly in freight service in that territory, that matter has not been raised as a separate issue in the present proceedings as far as I know.

BY THE CHAIRMAN:

Q There are just two men in the cab of the electric locomotive in passenger service?

A Yes sir, and there is three in freight service.

BY MR. LEWIS:

Q Perhaps you can explain why, since you say that there is even less reason for a fireman on an electric locomotive than on a diesel locomotive, the question to your knowledge has never previously been raised with regard to your electrified portions?

A As compared with the diesel the electrified territory is relatively unimportant to us. Our traffic is not too heavy. We do not run a very large number of trains and, as a matter of fact, it has never been considered or we had not thought of it until more recent years because

of the tradition of always having a fireman in the cab of those electrics.

Q I just want to try to understand what you are saying. What you are saying is that with regard to the electrified portion the cost of that was not sufficient to raise the issue?

A I think probably it has never been thought of because as long as we were following the tradition of the steam days, and I was in that territory on surveys when we operated with steam, it had never been thought of. A good many times you do not see what you look at. You get so accustomed to seeing certain things you do not realize the importance of it.

BY THE CHAIRMAN:

Q I thought you said -- I am not sure -- that you were not sure whether in 1956, when the question of firemen on diesel locomotives was raised, that included electric locomotives?

A I cannot say. I think that there would be some little more hesitancy before because of the territory. When the thought first comes up you would hesitate a little bit about it but when you think a little longer there is no more reason for having three men in the cab of a freight locomotive -- any more than two in a freight locomotive than there is having only two in a passenger locomotive.

MR. LEWIS: Mr. Chairman, a question was raised yesterday by you, I think, sir, and followed

up by my learned friend, with regard to Exhibit 151.

MR. SINCLAIR: So that the record will not be confused, I have the notice before me and I think it was put in by Mr. Loomis yesterday. The notice that was served on the Brotherhood as of January 30, 1956, the latter part of January, did include electrics as to giving management --

MR. LEWIS: Discretion.

THE CHAIRMAN: You are speaking of Exhibit 151?

MR. LEWIS: Exhibit 151, page 2. You asked, sir, whether the Brotherhood of Firemen and Engine-men represented any of the railroads there mentioned.

THE CHAIRMAN: I did? Oh, page 2.

MR. LEWIS: Or someone did. I think you raised it and my friend followed it up. I was instructed by telephone this morning by the head office of the Brotherhood in Cleveland that we have agreements with the Chicago, Aurora and Elgin, the Chicago, North Shore and Milwaukee and the Chicago, South Shore and South Bend for the motormen. They are called motormen in the agreement.

THE CHAIRMAN: Engineer.

MR. LEWIS: That would be the engineers. I am also instructed that we have agreements with the Butte, Anaconda and Pacific for both engineers and firemen, and so far as the person could tell me at a quick glance the firemen would refer to three diesel engines which they have on which firemen are used. They are quite certain no firemen were used

on the electric locomotives on the Butte.

THE CHAIRMAN: As I recall what Mr. Kiley said as to the Chicago, North Shore and Milwaukee, there are no firemen so you could not have an agreement there.

MR. LEWIS: There are no firemen in any of those I have mentioned except Butte, and I am saying, in order to make the record clear, that the firemen there are not in connection with the electric locomotives.

THE CHAIRMAN: I see.

MR. LEWIS: They are in connection with three diesel engines that the Butte outfit has.

BY MR. LEWIS:

Q Without going over these lines one by one, you said that some of them are entirely freight and some of them are mainly passenger and carry some freight?

A Yes.

Q My instructions also were this morning, Mr. Kiley, that in the case of freight trains on these inter-city electric railways there is no head end trainman on the lead engine either, that there is just the motorman, just the engineer?

A I am not familiar with that.

Q You don't know?

A I don't know about that.

Q Now, Mr. Kiley, you were never a fireman, I gather?

A That is right.

Q But you did take a stab at estimating the amount

of time that a fireman on a stoker engine would be on the deck and you said it would be somewhere around 25 per cent to 40 per cent of the time they would be on the deck, depending on whether they had any difficulty with the coal, difficulty with the fire and difficulty with the stoker. I would gather from that estimate, Mr. Kiley, that what you meant was that if the stoker worked properly and there was no difficulty he would be 25 per cent of the time on the deck but if there was difficulty with the stoker he might be there up to 40 per cent?

Is that right?

A If he had serious difficulty he might be there 90 per cent if he kept on operating. I took those percentages from my recollections because I rode a lot of steam locomotives and they are just general percentages. I know that when I was riding the firemen on these locomotives were on the deck a fairly substantial time, depending to a considerable extent on the kind of coal he had too because that always made it -- if he had poor coal it made it much more difficult to keep a proper fire, and during the period when I was doing most of this riding it was in a period during the early part of the second world war when coal was not all it should have been. We had quite a bit of Iowa coal which plastered and honeycombed the flue sheet if the fire got too hot. We had coal from

Indiana which we characterized as popcorn coal because the volume of the ash was twice or three times the volume of the coal in its original state, so that you have a lot of different elements you have to take into consideration when you are making estimates of that sort.

Q I appreciate that, Mr. Kiley. I am still very bewildered about your estimate of 25 per cent on the deck if there was no trouble with the stoker. What would the fireman be doing on the deck?

A Well, of course he had to look at his fire and the fireman could frequently get down on the deck to properly distribute coal when the stoker did not properly distribute coal. You know, it is not just a matter of sitting up there and regulating the stoker. You have to keep your fire pretty even over the grates if you are going to get an effective fire, and if your stoker is not working exactly right, although it is still operating, you could frequently have to do a lot of hand shovelling to keep your fire in proper condition.

Q Mr. Kiley, I would not raise the point, especially since I know you are in a hurry to get back, if you had said to the Commission that the fireman was on the deck between 5 or 10 per cent and 40 per cent. I could understand that. I would not press you if you had said that with the stoker in good

condition the fireman might be on the deck 5 to 10 per cent of the time and if it was not in good working condition he might be there up to 40 per cent, but you said from 25 per cent to 40 per cent, and I am suggesting to you, Mr. Kiley, that perhaps you are not really in a position to make an estimate of that?

A I made no estimate. I told -- the question, I think, if you will look there, it was what my recollection was of the time and I gave some figures from my recollection at the time. I have never made any time study of this sort of thing. It may have been 10 per cent. I don't know, but that was my recollection.

Q That was your impression from those years?

A That is right.

Q And I suppose the same thing is true about your estimate of the time the fireman would spend on a hand-fired engine? That would also be an impression from those years?

A That is right.

Q Now then, you informed the Commission that in the case of diesel engines on the road, those under 90,000 pounds, the 44-ton ones, you had to use a fireman if there was more than one?

A Yes.

Q Because of your contractual obligations?

A Well, we do not have any of those operating in multiple at all.

Q Pardon?

A We do not operate any of those 44-ton locomotives in multiple. Your multiple operation was included in that question but actually in road service even 90,000 pounds on drivers, under 90,000 pounds, we have to have a fireman.

Q Under your contract?

A Yes, with a single unit.

Q You said that in the yard you would not have to have a fireman?

A That is right.

Q Just for the record -- nothing turns on it, Mr. Chairman, as far as I can see -- that is because your 44-ton engines were purchased before May 17 or some date, 1950?

A They were bought in 1941.

Q If they had been bought after that date in 1950, then you would have to have a fireman even in yards?

A Yes, I understand that is right.

BY THE CHAIRMAN:

Q You will keep the old ones working, I suppose?

A Well, we are gradually getting rid of them.

MR. LEWIS: They have rented most of them.

THE WITNESS: Yes, White Sulphur Springs in Yellowstone Park use one, the Snoqualmie Falls Lumber Company use one and we may have one other some place else. I am not sure.

BY MR. LEWIS:

Q As president of the Milwaukee have you had any information as to whether fires have occurred

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on diesel engines?

A Oh yes.

Q You have had some?

A Yes, we have had several. We have not had any for several years. Our worst fire on a diesel engine occurred -- I believe it was in Montana when the fuel tank was punctured by something under the track and it caught fire and burned up two units very severely. We have had a couple of cases when fire resulted, as I recall, from crankcase explosions. This is a good many years ago. We have not had any now for a considerable time where a fire occurred on the diesel itself. We have had fires where diesels were burned, stationary fires. We had one in March of this year when our roundhouse at Milwaukee burned down or a portion of it.

Q The roundhouse burned down and the diesel with it?

A Diesels were in it.

Q You said quite a number of years. I suppose you would call four years quite a number?

A That is right.

Q Because I notice in the 1954 report of the Interstate Commerce Commission you had a fire in the engineroom on August 2, 1953, on your unit 96 at St. Paul, Minnesota?

A Yes.

Q And that you had a crankcase explosion in unit 37-C at Newtown, Missouri?

A Yes.

THE CHAIRMAN: Are you trying to finish with this witness before lunch?

MR. LEWIS: Yes, I will only be a very few minutes. I do not say this disrespectfully, but Mr. Kiley would like, if possible, to get away.

THE WITNESS: As long as I get away by three o'clock I am all right.

MR. LEWIS: I can be finished in a few minutes.

MR. SINCLAIR: I am not pressing my friend to hurry in any way.

HON. MR. McLAURIN: Mr. Kiley wants him to hurry.

THE WITNESS: If I can get out by three o'clock I can walk to the depot in that time.

MR. LEWIS: I notice that my friend's straight face did not last many moments after he said it because he started to smile.

MR. SINCLAIR: I will state it again with a straight face. My friend can keep Mr. Kiley as long as he feels is necessary for his case.

BY MR. LEWIS:

Q In connection with these fires on diesels, do you know whether firemen have been of any help in discovering fires at their inception?

A I don't know.

Q You do not, but you would agree with me that possibly if he patrolled the engine --

A It is possible if he had been patrolling it

perhaps would not have been a serious fire because we do have a fire extinguisher on all of our locomotives and as a result of some of our earlier fires we have a steam operation on the passenger engines where we can use steam to put out a fire from the outside.

Q So that if he patrolled early enough and caught it in time he probably would have been able to prevent, in some cases, the fire from becoming serious?

A Might have been able.

Q And as president of your railway would you not think that was worth-while protection for you and for the employees ?

A If you take the number of fires we have had over the years and take the injuries, if any, that resulted from those fires, from an economic standpoint there is no justification for it, and I do not believe that we have had any injuries that resulted from any fires on these locomotives.

Q I cannot tell you the extent of the injury, Mr. Kiley, but with respect to the two cases I have just mentioned to you, in each case the report said that one person was injured?

A My guess is in those cases -- you were talking of a crankcase explosion?

Q One was a crankcase explosion?

A That is something where the fire results after the crankcase explosion and the injury would

come from the crankcase explosion, not from the fire.

Q One was a crankcase explosion and the other one was a fire in the engineroom of the unit?

A My guess is he was injured trying to put the fire out. If he had stayed away he would not have been injured.

Q That is your guess?

A That is right.

Q But if he succeeded in putting the fire out, Mr. Kiley, at injury to himself, which frequently happens, he may have saved your company some considerable cost?

A We do not measure cost in connection with injuries. Our rules provide that the men are to conduct themselves safely under all circumstances.

Q I appreciate that, but if your guess about his getting injured while trying to put the fire out is right --

A I admire him for trying to do it but I do not think it is a very good practice to risk injury, any serious injury, in trying to save monetary loss.

Q But it is not only monetary loss that is involved in a fire, is it?

A Well, you take any fire in a diesel locomotive. It is monetary loss because it is not likely that any fire could result in so damaging the locomotive that it would cause a derailment or

a wreck.

Q Do you know what the firemen on your diesel locomotives now do, Mr. Kiley?

A Pretty well. Our firemen in the main stay in the cab all the time.

Q On freight engines?

A Yes.

Q Mr. Kiley, I must put to you what I put to Mr. Lawrence. I spoke to two men on your railway this morning over the long distance telephone and they instructed me that they are expected and instructed to patrol the lead engine while in motion about every half hour?

A The lead engine?

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J.P. Kiley

THE CHAIRMAN: Any particular type?

MR. LEWIS: The road switcher type.

THE WITNESS: The road switcher type?

BY MR. LEWIS:

Q Yes?

A I am not conversant with any instructions, and I cannot say what they could do in patrolling a road switcher on a lead locomotive.

Q But you do not know of any instructions that prohibit them from doing it?

A No sir, except the general instructions that they are to conduct themselves safely at all times.

Q Do you have car body type units?

A Yes sir, we have mostly car body types.

Q In those do you know whether they patrol them?

A My information is that they have not patrolled, have not been patrolling them. Whether they do or not is something that I could not say. I have not ridden freight engines very much in the last few years. I have ridden quite a few passenger engines, but not very many freights.

Q Your freight trains do switching en route, do they?

A Yes sir.

Q And do you know whether in the switching the fireman performs any service now?

A On occasion he does because in some cases,

particularly on these local trains that are doing switching where they have cab units, he sometimes passes signals, but there are very few cases where he would do anything else.

As far as patrolling is concerned, while I have not any information that I have prepared myself, we have information on how much patrolling was done during the period, of I think some 90 trips, on freight service.

This shows that the making of routine inspections, which is what you would call patrolling, they spent a little less than 8 per cent covering some 10,000 miles of freight operations.

In response to alarms they spent just one-half of one per cent going back into the engine. That was out of a total of 315 hours.

Q Hours of time?

A Hours of time they were in the cab.

Q Do you have any other breakdown of that information?

A Yes, I have some breakdowns showing the number of alarms from low lube oil pressure, being five; the number of ground relay trips, three; overspeed trips, two; hot engine, one. On those eleven alarms they spent a total of 92 minutes in the engine room.

Q When I said breakdown, I was referring to the rest of their time. You said they spent

8 per cent on inspections and one-half of one per cent on the other?

A In response to alarms. The rest of the time they were in the cab of the locomotive.

C That is the remainder?

A Yes.

Q Have you any breakdown as to the time, the portion of time they spent assisting in switching, or anything like that?

A No. The other services they performed, according to this study, was to maintain a lookout from the cab of the locomotive. They replaced one headlight bulb which took four minutes. They advised the engineer of a dwarf signal indication at Roundout, which is just north of Chicago, when the locomotive stopped at a point where the signal could not be seen by the engineer from his chair in the cab.

They relayed hand signals from train crew to engineer when switching at Coon Rapids, Templeton, Manning and Defiance on one local freight trip when train crew worked on left side of train.

They relayed hand signals from train crew to engineer when switching at Manilla on eight eastbound passenger trips and one eastbound freight trip when train crew worked on left side of train.

Q That is the total breakdown of that?

A Yes sir.

Q You were completely dieselized in 1955, I think you said by 1955?

A Yes sir. For a period in the early part -- I am like the Chairman and I get some of these years mixed up -- my recollection is that in the early part of 1955 or for several months of the winter we operated no steam locomotives, but then in the months of July, August and September we operated some steam. I think in 1956 we operated no steam.

Q As far as I am concerned, the details do not matter. What you are suggesting is that you had very little steam in 1954 and 1955 and no steam at all in 1956?

A That is right.

Q That would be about the summary?

A That is right.

Q You were dieselized to a very large extent by 1951 or 1952?

A No. Our big program of dieselization really started when I became President in 1950. We had done some prior to that time but our big program started in 1950.

Q Now then, when did you yourself reach the conclusion with regard to firemen on diesels which you expressed yesterday?

A Well, I had **reached the** conclusion that we did not require him quite a long time ago personally, but it was not until early in

1956 when the matter came up again. We sat down and actually tried to figure out the **places where we thought we might have difficulty** without a fireman and when we got through discussing it we came to the conclusion that we did not need him in any event, that we could provide protective devices and other things.

We are very largely radio-equipped ~~had~~ on our railroad. We have had ^{lead-} rear-end radio on all of our cab units of the car body type, and on a great many of the road switcher type. We have a great many cabooses also equipped. We use radio in our yards at Milwaukee, Chicago, the Twin Cities. We use loud speaker and call-backs in all of our principal yards.

With all of the other modern appliances that are available we did not think that we needed firemen.

Q But you agreed, for the reasons Mr. Loomis gave yesterday, to sign a three-year agreement in the United States?

A Yes sir.

Q Retaining the firemen?

A Yes sir. You understand, of course, in the United States with the railroads in these conference committees such as Mr. Loomis heads that we give them a power of attorney so that they can negotiate to the end and

we rely on their judgment in the negotiations.

Q When you had these discussions with regard to the firemen, Mr. Kiley, did you have any reports before you as to the service of the firemen through the years in safety matters?

A What do you mean by that? Do you mean eliminating wrecks, where they otherwise might have happened?

Q In averting accidents or side-swipes and the like; did you have any of that before you?

A We had quite a bit of discussion about that. We had our Operating Vice-President, who has spent his entire career on the Milwaukee Railroad.

KA-2
We had the General Manager and the Assistant General Manager all sitting in on this conference. When you pinned them down and asked them if they had any recollection of any time that they had seen a report where a man had averted a serious accident, the fireman, there was not one of them that could say, "Well, I remember a certain time that such-and-such averted a wreck." They might have done it, but that was their recollection.

Myself, I have never seen a report nor have I any recollection of ever seeing a report where a fireman averted a railroad wreck.

Q Nor is it likely that there would be a written

report that you would receive. You would receive a report of an accident that had occurred but not of an accident that had not.

A You may receive no written report, but there would be verbal reports because unless they are trying to shield a man who might not have lived up to the regulations, you will hear about it through the underground. Quite frequently we have heard it through the underground. You know, there are no secrets on a railroad.

Q I do not know that. I am trying to find out. Do you on your railroad hand out merit marks as well as demerit marks?

A We do not use the demerit system or the merit system on our railroad. Our disciplines are in the form of record marks if disciplinary measures are taken or in the case of more serious discipline they may be discharged. If the incident is not too serious, the man might be re-hired after a period of discipline.

BY MR. SINCLAIR:

Q Following these questions by my friend as to whether you or any of your officers had knowledge of an accident where a fireman had avoided it, or where the underground had told you of it, did you have any discussion of cases where the fireman had caused accidents?

A No, we had no discussion about that. I do not recall any.

Q What is your opinion on that?

A Well, I do not know that you could ever say that they caused an accident. I can say that there were times where we had a suspicion there were too many men in the cab talking about too many different things not connected with the operation of the road and that resulted in an accident, but you could not pin that on the fireman anymore than anybody else.

HON. MR. McLAURIN: You have not had Royal Commissions travelling in your cabs.

MR. MUNDELL: No questions, Mr. Chairman.

--- The Commission adjourned at 12.50 p.m. until 2.20 p.m.

Tuesday,
April 16, 1957

AFTERNOON SESSION

The Commission resumed at 2.20 p.m.

MR. LEWIS: Mr. Chairman, before my friend proceeds there are a number of exhibits which I owe the Commission. Exhibit numbers were set.

THE CHAIRMAN: Yes, Mr. Lewis.

MR. LEWIS: It would not take me very long, sir. First of all, there is Exhibit No.124, a letter from Mr. George Russell to Mr. Druce and Exhibit 124A, a letter from Vice President Mattingley, to the general chairman, and Exhibit 124B from Mr. Druce to the local chairman.

THE CHAIRMAN: You are putting these in now?

MR. LEWIS: Yes.

EXHIBIT No.124: Letter from Mr. George Russell to Mr.Druce.

EXHIBIT 124A: Letter from Vice President Mattingley to general chairman.

EXHIBIT 124B: Letter from Mr. Druce to local chairman.

MR. LEWIS: Then, I have Exhibit No. 133, which is the ICC annual report of the director of locomotive inspection for the year 1951.

EXHIBIT No.133: ICC annual report of the director of locomotive inspection for the year 1951



EXHIBIT No.134: ICC annual report of the director of locomotive inspection for the year 1955.

EXHIBIT No.135: ICC annual report of the director of locomotive inspection for the year 1956.

MR. LEWIS: These are the exhibits, if my notes are correct.

HON. MR. MARTINEAU: What was the first one?

MR. LEWIS: The 1951 annual report of the Director of Bureau of Locomotive Inspection; Exhibit 133, sir, is for the year 1955 and Exhibit 134 for the year 1956. Exhibit 136 is the 1954 annual report of the Board of Transport Commissioners for Canada.

EXHIBIT No.136: 1954 annual report of the Board of Transport Commissioners for Canada.

THE CHAIRMAN: Exhibit 136?

MR. LEWIS: Exhibit 136, yes. I am putting these in.

THE CHAIRMAN: Just one minute: are these documents actually marked or not?

MR. LEWIS: They are not.

THE CHAIRMAN: Just give us a moment to mark them.

MR. LEWIS: Yes. Exhibit 136 is the Canadian report.

THE CHAIRMAN: That is the blue book?

MR. LEWIS: Yes.

THE CHAIRMAN: All right.

MR. LEWIS: Then, Exhibit No.137, Mr. Chairman,

was a Form 104 of merit marks to fireman Carman, and this exhibit was marked. The photostatic copy brings out the mark.

EXHIBIT No.137: Photostatic copy of form 104 of merit marks to fireman Carman.

MR. LEWIS: Then, there was the document I undertook to produce during the cross-examination of Mr. L.L.O'Brien which, according to my notes, was not given an exhibit number. I may be mistaken in that. That was a letter from the local chairman in Smiths Falls of the Brotherhood of Firemen, dated January 27, 1955. This was in connection, Mr. Chairman, with the question as to what instructions, if any, were given to firemen regarding climbing from one road switcher to another in motion and regarding going out on the cat walk of a road switcher while in motion.

THE CHAIRMAN: Give that a new number.

MR. LEWIS: Yes. What is the number?

THE CHAIRMAN: Exhibit 154.

HON. MR. McLAURIN: The cross-examination of O'Brien.

MR. LEWIS: Of Mr. O'Brien.

MR. LEWIS: There are two letters. One is a letter from Mr. George A. Daughtrey, local chairman of the Brotherhood of Firemen, to Mr. L.L. O'Brien, dated January 27, 1955, and then a letter in reply by Mr. O'Brien to Mr. Daughtrey, dated

Mr. Lewis

February 3, 1955.

EXHIBIT No.154: Letter from Mr. George A. Daughtrey, local chairman of the Brotherhood of Firemen, to Mr. L.L. O'Brien, dated January 27, 1955; letter from Mr. O'Brien to Mr. Daughtrey, dated February 3, 1955.

THE CHAIRMAN: Is that your list?

MR. LEWIS: Yes, sir.

THE CHAIRMAN: All right, Mr. Sinclair.

MR. SINCLAIR: The next witness is Mr. Douglas Vivian Gonder.

DOUGLAS VIVIAN GONDER, Sworn

EXAMINED BY MR. SINCLAIR:

- Q Mr. Gonder, you are ^{assistant} vice president of operations for the Canadian National Railways system?
- A That is correct.
- Q And you reside in Montreal?
- A Correct.
- Q At the present time. After coming with your parents from China, Mr. Gonder, you settled in Stratford, Ontario, and entered the service of the Canadian National Railways as a machinist apprentice in 1925?
- A Right.
- Q You completed your apprenticeship in June, 1930?
- A Yes, sir.
- Q You were laid off by the Canadian National Railways shortly thereafter and you worked in the machinist trade in outside industry for a short period of a few weeks, and then returned to the Canadian National service as a draftsman in the mechanical department in Toronto in the fall of 1930?
- A That is right.
- Q Between the fall of 1930 and July 1938, you worked as draftsman for a very short period and ^{and} then you took on work as an inspector, ^{in the} latter part of the period as assistant engineer in the mechanical department of the central region of the Canadian National Railways?
- A That is right.

Q The central region of the Canadian National Railways takes in what territory?

A From Riviere du Loup, Quebec, in the east to Armstrong, Ontario in the west.

Q During your time as an inspector and assistant engineer, what was the major part of your duty in the mechanical department?

A The major part of my duties was the following, ~~of~~ ^{on} locomotives and test items on locomotives, making tests with locomotive equipment and special devices, components of the locomotive.

Q Would you ride locomotives during that work?

A Many, many miles.

Q Have you any idea of how much time you rode locomotives in that period?

A I kept no record, no specific records of times, ^{there} but ^A would not be a week when I would not be at least on some locomotive and usually several days a week.

In Q /July, 1938, you were transferred to Stratford as foreman of the erecting shop; is that correct?

A In the ^{motor} power shops in Stratford.

Q In June of 1935 you were appointed locomotive foreman?

HON. MR. McLAURIN: 1945.

THE WITNESS: 1939.

BY MR. SINCLAIR:

Q You were appointed locomotive foreman at Stratford?

A Yes.

Q And you served as locomotive foreman at Stratford and at your main terminal in Toronto and your main terminal at Montreal, Turcot, in those various positions up to 1942?

A October, 1942.

Q During that period at certain times you were relieved of your regular duties to do special assignments, including testing of locomotives and also testing the tractive effort and draw bar pull of locomotives?

A That is true; I had charge of the dynamometer ~~car~~ ^{car} meters we called it.

Q In October, 1942 you were appointed superintendent of the Montreal shops of the Canadian National Railways?

A Yes.

Q In April, 1944, you were promoted to be the general superintendent of motive power and ~~car~~ ^{car} equipment for the Atlantic region Canadian National Railways, which I take it covers the territory east of Riviere du Loup?

A Except at that time it did not include Newfoundland as it does now.

Q Later you were promoted to assistant general manager of the western region of the Canadian National. What year was that?

A January 1, 1949.

Q And after a very short time in that position you were appointed General Manager of the Western Region of Canadian National, and in those two positions you had jurisdiction over the lines of the Canadian National west of Armstrong, which is at the head of the lakes, including right out to the Pacific coast?

A Yes.

Q During this period, both as Assistant and later as General Manager, on account of the circumstances that were involved, you were responsible for the operations in the region?

A On the whole region, yes.

Q During your time in these positions which extended up until October of 1950, you were out on the region a large portion of the time covering the territory by track motor and inspection cars for the purpose of observing conditions and facilities, having discussions with local officers and dealing with matters on the ground, is that correct?

A Yes, I tried to cover as much of the territory as I possibly could.

Q In October, 1950, you were transferred to Montreal as Assistant to the Vice-President in operations and assigned special duties, and for some years in that position you undertook intensive studies on requirements of maintenance of diesel power, including observations on other railways, is that

correct?

A Yes.

Q Since July, 1955, you have acted as Deputy to the Vice-President of Operations of the Canadian National, and you have been closely associated with the handling of railway operations on Canadian National system at that level?

A That is right.

Q Since April, 1955, all regional operating reports come to your attention daily, and have done during this period, and you are directly associated with the regional, districts, and other operating officers through conferences that are held under your chairmanship or under your associate chairmanship, is that right?

A Up to this point that, naturally, there are some reports, if they are reports of important accidents, we get them right away, daily, on the very same day it happened, and there are other reports, such as train reports which are daily on time performance, and a number of other reports that do not come daily but would be information that is fed in across my desk all the time.

Q In 1956, you acted as chairman of the negotiating committee of Canadian National dealing with the collective labour agreements with the running trades?

A That is right.

Q Mr. Gonder, I think everyone on the Commission would take judicial notice of the fact that Canadian National serves all ten provinces of Canada, and to show the extent of it, possibly we would like you to give the Commission the number of miles of first main track?

A We have some 22,600 miles of first main track in Canada.

Q How many miles of block signals are there on Canadian National?

A As of the end of 1956, we had 1,225 miles in Canada of block signal territory.

Q And centralized traffic control, how many miles?

A 593.

BY THE CHAIRMAN:

Q Block signals were 1,225, are they automatic?

A Automatic block signals. The 593 miles of centralized traffic control is in addition to that.

BY MR. SINCLAIR:

Q And on the balance of your system, that is except where you have centralized traffic control, are train operations conducted under timetable and train order?

A In accord with the Uniform Code of Operating Rules, yes.

Q And on the 593 miles of C.T.C., it is signal

indication alone?

A Signal indication alone.

Q At the end of 1956, what was the motive power inventory of Canadian National? How many diesel units would you have had operating in Canada?

A We had at that time 1,025 diesel units and some 1,500 steam locomotives.

Q Now, the steam locomotives, would some of those be tied up unserviceable or would they all be tied up serviceable?

A There were a few tied up serviceable at the year end, that is our time of peak traffic, and quite a few stored unserviceable.

Q By the end of 1956, Mr. Gonder, how much of the Canadian National service in freight was performed by diesel, on a gross ton mile basis?

A On the basis of gross ton miles it was about 59 per cent.

Q At the end of 1956?

A In the month of December.

Q Now, in passenger service, what proportion would it be on a train mile basis?

A Just short of 28 per cent for the same month.

Q Would be handled by diesels?

A That is right.

Q And the balance steam?

A Correct, steam or it might be electric for a few miles, nearly all steam.

HON. MR. McLAURIN: What is the formula for passenger?

MR. SINCLAIR: Train miles, and gross ton miles for freight.

BY MR. SINCLAIR:

Q What proportion of your yard switching hours from the month of December, 1956, were performed by diesel switchers?

A We use the term "yard engine hours" and 75 per cent of the yard engine hours, both freight and passenger, were diesel.

BY HON. MR. McLAURIN:

Q What was the passenger figure, 27?

A No, 28 per cent.

BY MR. SINCLAIR:

Q You have told the Commission you have ridden steam locomotives a great many miles, I do not know exactly how many, and in riding steam locomotives, what type of steam power would it be, hand-fired, stoker-fired or what kind?

A Most of our freight, the largest volume of freight, was handled by stoker-fired power, particularly in the latter years of that term of service, it was mostly stoker-power that I would be riding. But I have ridden hand-fired units as well as some oil-burning.

Q Where would you use hand-fired steam power on the Canadian National in this period, say between 1930 on?

A Other than the odd oil-burning of which we had some under test, all the yard locomotives were hand-fired; most of the way freight work was hand-fired and a fairly high proportion of passenger movements hand-fired on the less important passenger runs.

THE CHAIRMAN: What period is this?

MR. SINCLAIR: 1930 to 1938 and a little later.

BY MR. SINCLAIR:

Q Are you still running hand-fired power on some of your freight branch line work and on branch line passenger work?

A Yes.

Q And, for instance, I am sure the Commission and everyone here has seen the 6200 locomotive of the Canadian National that operated on the pool trains between Montreal and Toronto; it is a large locomotive and that would be a stoker-fired steam locomotive?

A Yes.

Q And there is the 6100 that has been seen?

A All the northern class, they are the 6100, 6200, 6300 and 6400, they are all stoker-fired.

Q They were large engines?

A Decidedly, 57,000 pounds tractive effort.

Q Now, based on your inspections, your observations and your supervisory experience, what was the primary duty, what was the

fireman relied on for in steam power?

A To keep water on the crown sheet and to produce power in the form of steam; that was his primary function.

Q Did he have any other duties?

A Oh, yes, he was expected to keep a lookout when he had opportunity, to see that supplies were provided when they started out, to fuel en route at the regular places where coal and water or oil, as the case may be, and sand was taken on; to keep the cab reasonably tidy and clean; to make running inspections of the train when he had the opportunity, and, of course, to conform in all ways with the Uniform Code of Operating Rules by which he is governed.

Q Based on the same kind of experience, that is, from your inspection right from 1930 up to your supervisory capacity, what, from your observation and experience, has the head end trainman, what was he relied on for and what did he do on steam power?

A I take it you are speaking of road freight work?

Q Yes?

A His duties are to keep a lookout and to conform in all respects with the Uniform Code of Operating Rules, by which he also is governed; to make running inspection of his train and perform switching en route where it is required.

- Q. What is the primary duty, Mr. Gonder, of the head trainman in freight over the road service?
- A. His primary duty while in motion was to keep a look-out and to see that so far as he could aid in the same the Uniform Code of Operating Rules and Orders were lived up to.
- Q. Orders, you mean train orders?
- A. Train orders, and of course any standing orders that may not have been in the written train orders.
- Q. Mr. Gonder, did you ride yard steam engines?
- A. Sometimes, not a great deal; there was not so much occasion to, but I have ridden yard steam engines, tested them.
- Q. Was it your experience or was it not that the firemen placed their firing on yard steam engines so they would be on the deck only when they were stopped?
- A. In yard service, no, I would not say that. They did try to space their firing to suit conditions where they were located. For instance, a light fire is required to prevent excessive smoke, and in areas where that is of great importance, where there are special smoke abatement laws, he had to be particularly careful and would space his firing to suit. But

very often they would prefer to put in
a fire when the engine was working.

Q. You mean moving?

A. Moving.

Q. Rather than when it was stopped?

A. Yes.

Q. On the Canadian National, Mr. Gonder,
how do the yard crews pass signals from
the ground to the engine?

A. In regular yard work it is the practice,
the general practice for the signals to
be given direct to the engineman.

Q. Have you from your observations in general
yard work noticed exceptions to that; for
instance, we will take at Turcot?

A. In general yard work -- I have not seen
a great deal of general yard work from
personal ridings, but my observations
when I have been on these units are
that all signals were accepted by the
engineer on the right-hand side, in
general yard switching.

Q. That is direct from the ground?

A. Direct from the ground. Sometimes
even though they were called across
the cab he would wait until the signal
was given direct to him before he would
move.

Q. How do you mean, even though they were
called across the cab he would wait

until the signal was given direct to him?

A. If a switch is located, if a switch stand is located on the left-hand side, for instance, of a unit and the ground man has turned the switch and the movement is ready, he may give a highball, or even before he gives the highball sometimes the signal may be called O.K. across the cab.

Q. By whom?

A. By the fireman, but usually, and certainly all the time I was observing, in so far as yard switching is concerned, the engineer waited until the ground man was within his own view before he made his move.

Q. You said general yard work; what about industrial switching? I take it that there is a distinction in your mind between general yard work and industrial switching?

A. I was making that distinction, yes, because they are not always comparable. Industrial switching of course your leads and the industrial trackage may be in rather more curved and obscured and restricted clearance areas.

Q. From your knowledge and observations or whatever information you have on

the matter, what is the practice in the Canadian National with regard to passing signals from the ground to the engines in industrial switching?

- A. Well, I have made some personal observations and also talked this matter over with a number of our operating officers, and while the general practice is to take signals from the engineman's side directly as far as possible there are occasions when it is more convenient on the part of the crew -- I do not know that I can say frequently, but there are certainly occasions when the signals are relayed from the fireman or through the fireman.
- Q. These occasions when they are relayed through the fireman in industrial switching, which you say are more convenient; have you discussed with the operating officers whether on the Canadian National there are any locations in your yards or in industrial switching where it would be necessary to use the fireman as a signal passer to perform the work?
- A. I have asked a number of -- I have not seen any myself, but I have asked --
- Q. You have not seen any what?
- A. I have not seen any locations myself which

appeared to be such that the man on the left-hand side of the cab ~~could~~ take the signals. The signals could all have been given from the ground to the engineman on the right-hand side provided the ground crews located themselves accordingly.

However, I know that there are ever so many industrial leads on which I have never been and could never begin to cover without spending quite a long time. I have made inquiries of operating officers and none of them has pointed out a specific location that required that the signal must be given by the fireman. It may be that there are some locations where dual control, that is to say a left-hand control, would be required, but they have not been able to give me any specific instances where the work cannot be handled by direct signals to the engineman.

- Q. Did you cover right across Canada with your inquiries?
- A. With my personal inquiries I would not say I have covered right across Canada, except that we did poll each regional head and each is satisfied.
- Q. Do you know whether the regional heads

went down to the men in charge of the ground, right on the ground, down to the Superintendent or Assistant Superintendent level?

A. I have no definite knowledge to that effect, no. At least two of our regional heads have been terminal Superintendents.

Q. Themselves?

A. Yes.

Q. Of much experience or short duration or what?

A. Some years. I could not without looking up their records give you the exact date, but of some years.

BY THE CHAIRMAN:

Q. Mr. Gonder, does it require an expert to pick out the places where it would be necessary under the present construction of locomotives to have signals given on the left-hand side?

A. I do not think it would require an expert, sir, but it would require a man of experience.

Q. You do not think that anyone as ignorant as myself, for instance, could go and look at a place and see if it was physically impossible for the ground crew of three to so place themselves that their signals

could not be given directly to the engineer?

- A. I am quite sure that anyone as intelligent as yourself -- I say that advisedly -- anyone that is intelligent would be able to find any such location.
- Q. You mean it would depend on the number of cars that were being moved and that sort of thing?
- A. It would require a study of the particular locality. As far as I am personally concerned and my conversations with our own men, I made inquiries about this and there were one or two places mentioned and as soon as the comment was made, "Well, what about dual control," that would solve it completely.
- Q. Yes. I am ruling dual control or anything that you have not got at the present. My question was merely prompted by the fact that Mr. Sinclair has put some emphasis upon the experience of these officers to whom you had spoken. I am just asking if it would not be obvious to any one who put his mind on the geographical situation, knowing the number of cars that were being moved, or the maximum number that might be moved; knowing the way in which the

locomotive went into and out of the place, whether cab first or engine first; would it be a too difficult problem for anybody to say whether signals could or could not physically be given to the engineer directly?

A. Except for this, that someone else might come along with a solution that he had overlooked.

Q. That is always possible?

A. Yes sir.

Q. Just to follow that up. In view of the answer you made earlier, are there places on the Canadian National in yards or in industrial sidings where it would be necessary in order to give signals directly to the engineer that you would have to have dual control?

A. If I may put it this way, sir. I can think of at least one location where the signalling appeared difficult to make direct and dual control would be a quite adequate solution. Whether there is some other or not, I could not say.

BY MR. SINCLAIR:

Q. Now, Mr. Gonder, with road crews doing switching en route, what is the practice as to giving signals on the

Canadian National between the ground
and the engine?

A. Again, we encourage the giving of signals
as far as possible direct to the engine-
man. I think perhaps the road crews
do relay more signals through the fire-
man.

Q. Why?

A. One reason would be that in their keeness
to get the work done promptly and
efficiently they do not wait for the
rear end members of the train crew to
come up, so the work is done with
only one head end trainman.

BY THE CHAIRMAN:

Q. That would explain why you encourage
the giving of signals on the right-hand
side?

A. Very often the individual giving the
signal is involved in the move itself.
These men do subject themselves to
hazards. If they are right within
the view of the engineman himself he
gets a direct signal and he knows the
man is in a safe place and he will not
move without that. That is one
reason.

Q. Any other reason you know of?

A. Naturally one signal direct presents
less possibility of error than an
indirect signal

BY MR. SINCLAIR:

Q Do you know from your conferences with the operating officers on the Canadian National -- have there been brought to your attention points or places on your system where switching is done en route where it would be necessary to relay signals through the left-hand side of the engine to perform the switching?

A Again I would answer that it is similar to the answer I have made already, that in discussing this with officers who are experienced in just such moves there is always the admission that if the work was left until the return trip, for instance, when the engine was headed in the proper direction for that switching at that point it could be done, or dual control if it is in another location. The one or the other has solved every specific location that has been brought to my attention.

Q And would the rear end crew coming up solve a number of them, or would it not, Mr. Gonder, so you would have three men on the ground?

A If that would solve it I would have included that in the ones I was thinking of.

Q That is other than the three men could be solved by --

A In other words, what could not be handled by the present conventional crew.

Q Ground crew?

A Ground crew.

- Q Which consists on the Canadian National of what?
- A A conductor, a rear trainman and a head end trainman. In some instances we do have an extra man.
- Q An extra --
- A Trainman.
- Q What kind of moves would they be?
- A Special moves where there is a good deal of industrial switching performed, where there has to be passage through cross-overs on double track onto trackage that is running against the current of traffic and where there are a large number of public crossings that have to be flagged over.
- Q Mr. Gonder, on the Canadian National are firemen required to perform mechanical work on diesels en route?
- A Required to perform -- they are not required to perform mechanical work on diesels. They are encouraged to acquaint themselves with the operation of the diesel engine and its general functioning.
- Q Do firemen perform mechanical work on diesels on the Canadian National?
- A Yes, they reset relays and so forth. They assist the engineer in his inspection, some more than others depending upon the engineer as well as upon the fireman himself.
- Q In your opinion is this work of resetting relays and assisting the engineman in his

inspections necessary or not necessary for the safe and efficient functioning of the diesel locomotive?

A It is not necessary for either the safe or the efficient functioning of the diesel locomotive.

Q Based on your practices on the Canadian National, your discussions with your operating officers and your observations, do the firemen patrol the diesel units en route?

A Not always; some of them do.

Q What about road switcher units?

A Again not always, sometimes.

Q Have you or have you not any special rules with regard to road switchers?

A None of which I am aware. We have no prohibition that I know of. On the other hand, we have no positive instruction that they must be patrolled.

BY THE CHAIRMAN:

Q What do you expect the fireman to do, if anything?

A In the patrolling of a unit, sir?

Q Do you expect him to patrol?

A No, sir.

BY MR. SINCLAIR:

Q Well, what do the firemen do on your road freight diesels?

A You mean when they are in motion?

Q Yes?

A When they are moving I have seen the firemen

go out, if we are operating at a safe, relatively low speed, onto a road switcher and open up shutters and look inside, close the shutters and come back in.

BY THE CHAIRMAN:

Q Do you mean shutters or doors?

A In this case I am speaking of the doors. "Doors" perhaps is a better word, sir.

BY MR. SINCLAIR:

Q In your opinion as a mechanical officer and as an operating officer is that activity that you have described required?

A No, sir.

Q Mr. Gonder, has the Canadian National a collective agreement with the firemen's Brotherhood that contains a diesel rule the same as the diesel rule in the Canadian Pacific collective agreement with the firemen's union?

A It is identical with the one read yesterday.

Q That is the one in Exhibit 1, meaning Article XI (f), which is on page 24. Have you checked that with your own collective agreement?

A I checked it with our own collective agreement as it was read yesterday. It is verbatim.

MR. LEWIS: It is admitted.

BY MR. SINCLAIR:

Q Has the Canadian National used diesel switchers of under 90,000 pounds weight on drivers?

A Yes.

Q Where?

A We have some in operation in Prince Edward Island.

Q How many?

A We have two. They are not both of them always on Prince Edward Island. One of them may be off on the mainland occasionally depending on the necessary traffic on Prince Edward Island, but there is one assigned to Charlottetown yard.

Q You have operated two over there?

A Yes, we did, but I do not think the two were in operation as switchers at the same time on Prince Edward Island. I could not be sure of that but I do not think so.

Q With regard to the use of these under 90,000 pound weight on driver units that were on Prince Edward Island or are on Prince Edward Island, have you experienced any difficulty with them?

A No, sir.

THE CHAIRMAN: Presumably with no fireman, or is there a fireman?

MR. SINCLAIR: That is the point I was coming to, sir. There is an unusual situation here. I will put it this way.

BY MR. SINCLAIR:

Q Are there firemen on them at the present time when they are in switching operations?

A No, sir.

Q Have you ever run those same units over there with a fireman?

A When they were in road service, yes. These units were first of all purchased because at that time we were operating over what we call our Murray Harbour subdivision and there was a bridge there which could not take any heavier axle loads than these light engines and they were bought primarily for that service.

Q Do you remember a case before the Board of Adjustment in regard to these diesel switchers over on Prince Edward Island, Mr. Gonder?

A Yes.

Q That is Canadian Railway Board of Adjustment No. 1, case No. 640, which was heard at Montreal on Tuesday, September 15, 1953. I have just one copy of this. I should like to file this as Exhibit 155, Canadian Railway Board of Adjustment No. 1, Tuesday, September 15, 1953, Case No. 640, Canadian National Railways (Atlantic Region) and the Brotherhood of Locomotive Firemen and Enginemen.

EXHIBIT NO. 155 -- Canadian Railway Board of Adjustment
No. 1, Case No. 640,
C.N.R. and Brotherhood
of Locomotive Firemen
and Enginemen.

THE CHAIRMAN: Can you tell us about the significance of it?

MR. SINCLAIR: The significance of this decision, as I see it, Mr. Chairman, is that these two units, being diesel units 7751 and 7752, were sent by the Canadian National Railways to Prince

P@2
Edward Island and were used, as the witness has said, in road service, at which time they had certain appurtenances or additions to the basic locomotive.

They were then brought into the yards of the Canadian National Railways in Charlottetown and used there and the Brotherhood contended that they weighed more than 90,000 pounds. They were weighed and found to exceed 90,000 pounds slightly. The Brotherhood then demanded payment for a fireman when they were running in excess of the 90,000 pounds.

THE CHAIRMAN: You mean that a fireman should be part of the crew.

MR. SINCLAIR: That is right, and that was paid, as I understand it. Then the Canadian National took off some of the unnecessary appurtenances to reduce the weight below 90,000 pounds. The Brotherhood then claimed that the Canadian National had been very unfair by taking such action in this case and brought this case before the Board of Adjustment, and that is Case No. 640 which is Exhibit 155.

THE CHAIRMAN: What was the decision?

MR. SINCLAIR: The decision was that "The contention of the employees is not sustained." The full decision is this --

THE CHAIRMAN: Just the effect of it. There is a lot here that we do not need to read. What is the effect of it?

MR. SINCLAIR: In my respectful submission

the effect of it is a designation that the Brotherhood here, by its action in this case, demonstrated that what it is interested in is having men working and they are interested in dealing with these problems and this demonstrates it, I think.

THE CHAIRMAN: That was not my question. I merely asked what did the Board decide? I suppose they decided that as the engines were less than 90,000 pounds they did not need a fireman.

MR. SINCLAIR: Well, sir, that was not the real issue. The issue was whether Canadian National was unfair in making them so that they were under 90,000 pounds and could be run without a fireman, and the Board held that the contention of the employees was not sustained.

THE CHAIRMAN: That the railway company was not unfair and the engines had become less than 90,000 pounds and did not need a fireman. Is that it?

MR. SINCLAIR: They would not decide the question of fairness but they allowed them to be used without a fireman.

THE CHAIRMAN: All right. The rest is argument then.

MR. SINCLAIR: Yes, as to the significance --

THE CHAIRMAN: I was not asking for the argument, just the facts.

MR. SINCLAIR: I am sorry, sir. I think it is pretty easy to see from the facts what the

argument is. I should not have wasted your time with it at this stage.

THE CHAIRMAN: Well, you will have an opportunity to argue this in its entirety.

MR. SINCLAIR: Oh, yes.

BY MR. SINCLAIR:

Q Have you any other operations on the Canadian National, Mr. Gonder, where you have under 90,000 pound diesels running?

A Well, in St. Thomas on our line, though not with our locomotives, the Wabash on our joint section do our switching with a 44-ton switcher.

Q Is there a fireman assigned as part of the crew?

A No, except when this unit is replaced by heavier units when the light unit is in under repairs or for inspection or for some other reason is not able to fulfil its regular assignment. Then, of course, when the heavier engines come in there has to be a fireman used as well.

Q And when the heavier unit comes in to do the work at St. Thomas is there any difference in the work performed?

A Exactly the same switching, my information is.

Q Is performed?

A Just the same, doing identical work.

Q Why is a fireman assigned in the second case, then?

A Because I am sure that the Wabash has the same contractual obligation that we have and an agreement with the firemen which requires it.

We like to live up to our agreements.

By Mr. Lewis

Q Mr. Gonder, you have to live up to your agreements?

A We like to, sir, in some of them.

MR. LEWIS: Do not take such moral satisfaction out of it, Mr. Sinclair.

BY MR. SINCLAIR:

Q Have you any others, Mr. Gonder?

A We have recently acquired some more. We have one switching at Kamloops since November of last year, one switching at Kelowna.

BY THE CHAIRMAN:

Q And these are what?

A 44-tonners.

BY MR. SINCLAIR:

Q Under 90,000 pounds?

A That is the commercial term. They are usually called 44-tonners.

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Q Under your agreement they come within the under 90,000-pound rule.

A They are under 90,000 pounds.

BY THE CHAIRMAN:

Q They look like the others, and so on?

A These look different from the conventional switcher, sir: they have the cab in the centre and a slightly low hood. There are two caterpillar engines, as a rule, one at each end. I think that is correct.

MR. SINCLAIR:

Q Have you on the Canadian National a unit which, because of your contract, operates with firemen assigned because of the collective agreement but which when it goes to one of your subsidiaries is not operated with a fireman because there is no contract requiring it?

A That is true of unit No.77.

Q I have photographs of that unit, Mr. Chairman, which I would like to file as Exhibit 156.

EXHIBIT No.156: Photograph of unit No.77.

BY MR. SINCLAIR:

Q What about this unit? What is the weight on drivers on this unit, Mr. Gonder?

A I think it is 142,000; I could look it up.

Q We will take 142,000, subject to your check, and if you will advise me that it is different from that I will inform the Commission.

D.V.Gonder

MR. LEWIS: What is the number of the unit?

THE CHAIRMAN: THE number is 77.

BY THE CHAIRMAN:

Q Do you call this a yard switcher?

A Yes, sir.

Q Made by?

A This has had a chequered career. Originally I believe it was a Beardmore engine. It was re-engined in 1953, so I could not say, sir: it is a Canadian National development.

BY MR. SINCLAIR:

Q This engine, when it operates does operate part of the time on the Canadian National?

A It operates in Pointe St. Charles shop yard.

Q And at other times where?

A I was enquiring as to where it was a week or so ago and I was informed it was working on the Thousand Islands railway relieving the other engine.

Q That railway is where?

A The Thousand Island railway is a subsidiary of the Canadian National running between Gananoque Junction and Gananoque.

Q Running between Gananoque Junction and Gananoque?

A That is right.

BY THE CHAIRMAN:

Q How long is that railroad.

MR. SINCLAIR: I would say five miles.

D.V.Gonder

THE WITNESS: 4.6.

HON.MR.MCLAURIN: Almost as wide as it is long.

BY MR. SINCLAIR:

Q What is the crew on No.77, which is Exhibit No.156, when it goes on the Gananoque run?

A A motorman.

Q A motorman?

A That is all.

Q On the engine. How many is the remainder of the crew?

A Part of the time only one on the ground; part of the time two.

Q Does it do switching?

A Yes.

Q Does it take the chairman from Gananoque Junction to Gananoque?

A To catch No.14, yes.

Q It does: just riding with this type of unit pulling it?

A Yes.

BY THE CHAIRMAN:

Q How fast does it travel?

A I could not say, sir.

BY MR. SINCLAIR:

Q In switching does it switch industrial plants in the area?

A Yes.

Q With a ground crew of --

A One.

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Q A ground crew of one?

A Part of the time: two part of the time.

Q When it comes to do switching at Pointe St.

Charles shop area how many of a ground crew would be on the engine?

A Three.

Q Would a fireman also be assigned to it?

A Yes.

Q So then you would have a total crew of five, would you?

A Yes.

Q Would that be right?

A Yes.

Q Is the Thousand Islands Railway not included in the all-inclusive term "Canadian National Railways"?

A It is a separately operated property, sir.

Q I see.

A You will find its stock listed in the annual reports.

Q Is it not included in the Canadian National Railways?

A No, sir, only as a separately operated property.

BY MR.SINCLAIR:

Q By the way, so that the record may disclose it, in running from Gananoque Junction to Gananoque are there any road level highway crossings?

A Yes.

Q Do you know how many?

A Twelve crossings within town limits, including No.2 highway and one crossing outside the town

limits which is No.32 highway.

Q What kind of motive power have you on the Newfoundland system or the Newfoundland section of your operations, Mr. Gonder?

A It is now completely dieselized. we have General Motors.

Q Have you any of the type of engine that would be under 90,000 pounds on main line service?

A We have three units which are identical with the so-called 44 tonners that we have on the main line except for their trucks. We have a narrow gauge railway there, and the narrow gauge and special curve conditions demanded special trucks, and apparently the manufacturers were unable to design one which brought the total weight of the locomotive below 90,000 pounds.

Q So that these locomotives in Newfoundland weigh over 90,000 pounds?

A That is right.

Q Is a fireman assigned to them in operations?

A In yard operations, yes.

Q In yard operations?

A Yes.

Q And in road operations?

A Yes. I do not think these work in road operations.

Q They work in yard operations?

A Yes.

Q And a fireman becomes part of the crew because the Newfoundland service is part of your collective agreement with the Brotherhood? is that correct.

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A Yes.

Q Is there any other reason?

A There is no other need for the fireman.

Q Now, Mr. Gonder, in the 1930's did Canadian National Railways operate yard diesel switchers, or did they not, without firemen?

A In the 1930's?

Q Yes.

A In the early 1930's they operated first of all with firemen. Then, in September, 1934, instructions were issued to withdraw the firemen in Montreal terminals.

Q Were there any complaints made to the company when the firemen were withdrawn from that service?

A Yes.

Q By whom?

A By the Brotherhood of Locomotive Engineers.

Q Yes: what did the Canadian National do?

A We continued to operate without the firemen until 1943.

Q When you received these complaints from the Brotherhood did you investigate them, or anything of that nature?

A Yes. We sent our own inspectors out to ride the units. By "our own" I mean headquarters inspectors, so that it was not merely a local opinion, and they made observations and made reports.

Q And what did their reports disclose?

A The terms? I cannot recall the exact terms,

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but they were quite strong to the effect that there was nothing whatever for the firemen to do.

BY THE CHAIRMAN:

Q What type of yard switcher was that?

A This 77 was one. At that time it was numbered 7700. I think it has changed its numbers two or three times. I think at that time it was 7700, and ~~the~~ ^{the} other one was one that was retired, and it is 7750; it was scrapped two or three years ago.

Q Of the same type?

A Rather different, sir: about the same general build.

BY MR. SINCLAIR:

Q Mr. Gonder, was this operation in 1935 investigated by the Board of Transport Commissioners?

A I searched our files and I could not find any correspondence with the Board of Transport Commissioners.

Q I would like to read to the Commission and file as Exhibit 157 a letter from Mr. H.B.Chase, dominion legislative representative, Brotherhood of Locomotive Engineers, dated January 5, 1935, to Mr. George Spencer, chief operating officer, Board of Railway Commissioners, Ottawa, Ontario. I would like to read this into the record. I would also like to read another document and file it as Exhibit 158. It is a report to Mr. George Spencer, chief operating officer of the board

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by two of the board's inspectors, namely Mr. J.A.Lafontaine and Mr. A.E.Hudson. That report is dated January 14, 1935.

EXHIBIT No.157: Letter from Mr. H.B.Case, dominion legislative representative, Brotherhood of Locomotive Engineers, dated January 5, 1935 to Mr. George Spencer, chief operating officer of the Board of Railway Commissione Ottawa.

EXHIBIT No.158: Report to Mr. George Spencer, chief operating officer of the Board by two of the Board's inspectors, Mr. J.A. Lafontaine and Mr. A.E.Hudson, dated January 14, 1935.

MR. SINCLAIR: Exhibit 157 is dated Ottawa, January 5, 1935. It is on the stationery of the Grand Lodge of the Brotherhood of Locomotive Engineers, Cleveland, Ohio, Executive Department, H.B.Chase, Assistant Grand Chief Engineer, Room 504, 1411 Crescent Street, Montreal, P.Q., Canada, and addressed to Mr. George Spencer.

THE CHAIRMAN: You said something about Ottawa.

MR. SINCLAIR: The copy I have I cannot read very well. It is Montreal.

MR. LEWIS: It is the sixth of January.

THE CHAIRMAN: Either the fifth or the seventh changed to sixth.

MR. SINCLAIR: The one I have is very poor duplicating.

THE CHAIRMAN: It is a letter to the board.

MR. SINCLAIR: To the chief operating officer, signed by Mr. Chase.

"Dear Sir:

Confirming statements made to you during our conference yesterday.

The Canadian National Railways have in operation, in Montreal, a switching engine of the oil electric type, commonly called a 'diesel' engine, which, I understand, actually operates in Turcot yard.

For some length of time an engineer and fireman, or what might be termed a motorman and helper, were employed on this locomotive, but a few months ago the company saw fit to discontinue the services of the helper, leaving only one man on the engine and, instructions were issued to the ground crew to give all signals on the engineer's side and, to be in a position where the engineer could see them.

As stated to you, we consider this to be a very unsafe method of operation and, would request that the matter be looked into, with a view towards having the Board of Railway Commissioners exercise their authority and have them concur with our view, namely, that the practice is unsafe, and that an order be issued instructing the railways to put the two men back on this engine.

"Yours truly,

H. B. Chase,

Dominion Legislative
Representative,

Brotherhood of Locomotive
Engineers."

I should say to the Commission that is an application under what is now Section 290 of the Railway Act.

Now, Exhibit 158, which is signed --

THE CHAIRMAN: This is a report by these two inspectors, I suppose?

MR. SINCLAIR: And it reads:

"Following your directions, Mr. Hudson and myself were at Turcot yard on January 8, where we observed the switching movements of diesel electric motor No. 7050 and we also rode the same for several hours between Turcot and Ballantyne.

We also called at Turcot shops, where we have obtained a copy of circular No. 81, dated August 29, 1934, addressed to locomotive engineers, firemen and helpers, locomotive foremen, yard foremen and helpers and yardmasters. It reads as follows:

'Effective Wednesday,

September 5th, commencing with the 7.00 a.m. assignments, the employment of helpers on diesel electric

'locomotives, Montreal terminals,
will be discontinued.

In movements between yards
and shops or vice versa, the
engine will be accompanied by
yard foreman. On occasions when
engine is used in movements between
yards or in transfer service, member
of yard crew must ride engine.

Ground crews will keep them-
selves so as to be in position to
properly transmit signals to
engineer at all times.

(R.C. Johnston,
Superintendent of
Terminals)'

We find that these instructions are
fully carried out. When this diesel
electric engine leaves the shop it is
always accompanied by a hostler or a
yard foreman. If this engine has to
run on the main tracks, or is used in
connection with transfer trains, a
yardman or two accompany the engineer.

Engineer A. Berard was in charge
of the engine with yard foreman C.
Boutin. We failed to see any danger
or hazard through this engine being
operated by one man under these con-
ditions, and in questioning the
enginemen as well as the yardmen, in

"this connection, they agree with us and find no inconvenience whatsoever in the switching operations with one man on the engine at that point.

No. 7700 is in Pointe St.

Charles shops for repairs, and the Superintendent of Motive Power claimed that it would be three or four weeks before it would be ready for service.

Respectfully submitted,

J.A. LaFontaine and

A.E. Hudson,

Inspectors."

BY MR. SINCLAIR:

Q Witness, you say you searched the records of Canadian National for this material?

A Yes.

Q And you found nothing such as this?

A Nothing.

Q You were not informed of this by the Board of Transport Commissioners?

A Not directly.

THE CHAIRMAN: You say the first letter of January, 1956, is an application. What happened to the application?

MR. SINCLAIR: I was just coming to that. I just traced this down yesterday. I have had a little difficulty in getting these copies and they are still wet. The application is referred to now in a letter from the Secretary of

the Board of Transport Commissioners to Mr. Chase, dated January 21, 1935, and that will be Exhibit 159.

EXHIBIT No. 159 -- Copy of letter dated January 21, 1935, from Board of Transport Commissioners to H.B. Chase.

MR. SINCLAIR: At the same time, I should like to put in a further letter from Mr. Chase so that the matter will be completed up to a stage.

THE CHAIRMAN: Is this part of Exhibit 159 or will it be a separate exhibit?

MR. SINCLAIR: This will be Exhibit 160.

THE CHAIRMAN: What is the date?

MR. SINCLAIR: The letter from Mr. Chase to the Secretary of the Board of Transport Commissioners is dated January 31, and it looks like 1935, but it is very hard to read.

EXHIBIT No. 160 -- Copy of letter dated January 31, 1935, from H.B. Chase to Board of Transport Commissioners.

MR. SINCLAIR: Exhibit 159, what it does is to report to Mr. Chase the findings of the inspectors. The second paragraph of that letter -- perhaps I should read it all. Exhibit 159 reads:

"Dear Sir:

File 39314, complaint of
Brotherhood of Locomotive Engineers re

"C.N.R. switching engines, Montreal terminal
(Turcot yard).

Referring to the above complaint and to your letter to the Board's chief operating officer, dated the 6th instant, and also to the subject matter of your discussion with him on the 4th instant, I am now directed to inform you that two of the Board's inspectors were sent to the Montreal terminal to look into the matter of the one man operation of the diesel switching engine, Canadian National Railways, operating in the Montreal terminal.

That the inspectors report that the company's instructions, which were effective Wednesday, September 5th last, dispensed with the employment of a helper on the diesel electric locomotives of the Montreal terminals, and in movements between yards and shops, or vice versa, the engine will be accompanied by the yard foreman. That on occasions when the engine is used in movement between yards or in transfer service a member of the yard crew must ride the engine and the ground crews will locate themselves so as to be in position to properly transmit signals to engineer at all times.

That the inspectors found these instructions were fully complied with, and after checking the movements and talking it over with

"the employees at work, they failed to see any danger or hazard through the engine being operated by one man, and that the operation is carried on without any inconvenience whatsoever.

I am further directed to ask you to consider what is said, as above set out, and to submit any further comments you may desire to make to this Board in the matter."

Exhibit No. 160 is Mr. Chase's reply to the Secretary of the Board in which he says:

"I have your letter of January 21 and note that the Board's inspectors have investigated the matters complained of and are of the opinion that the operation is safe, and also note that you desire me to submit any further comment I desire to make to the Board in the matter.

Personally, I am unable to agree with the view expressed by the inspectors, but before making any further comment it is my desire to take the matter up further with the General Chairman of the Brotherhood of Locomotive Engineers having jurisdiction in that territory, and as I will not be back in Montreal for a

"period of two or three weeks, I would respectfully request that the matter be held in abeyance for a further period of time.

Trusting this will meet with the approval of the Board,

Yours truly,

H.B. Chase."

I am informed by the Secretary of the Board, through his files, that the matter was noted, but no further action was taken by the Brotherhood of Locomotive Engineers in connection with this matter. That is where the correspondence on this matter terminates.

BY MR. SINCLAIR:

Q Now, Mr. Gonder --

A Mr. Sinclair, may I say I have just checked and I have a record here. It is 142,000 pounds; that is correct.

Q 142,000 pounds is the weight on drivers of Exhibit No. 156. Now, Mr. Gonder, did the Canadian National operate other engines than the two mentioned in that inspectors' report, which is Exhibit 158, in the Montreal terminals without firemen assigned to the crew?

A Yes, in 1943, there were six diesel units.

Q Now, have you been able to determine from the people who worked with those who are now officers of yours, their experience with operations in Turcot, and in transfer service to Ballantyne, which, by the way, is a

connection with the Canadian Pacific, is it?

A One of the connections.

Q That would be a transfer from your Turcot yard over to the Canadian Pacific at Ballantyne, which is just west of Montreal West?

A Yes, at that time it was quite active.

Q That is at the end of Cote St. Luc yards?

A Approximately.

BY THE CHAIRMAN:

Q What is the distance?

A From where, sir?

Q From the place you mentioned?

BY MR. SINCLAIR:

Q From Turcot to Ballantyne?

A From Turcot to Ballantyne I would take to be $2\frac{1}{2}$ to 3 miles; that is an estimate. I would have to look it up. I could say, well, from Cote St. Luc yard -- that is not our territory, but I would take that to be about $1\frac{1}{2}$ miles.

Q From Ballantyne to Turcot?

A Ballantyne to Turcot, I would think, would be about $2\frac{1}{2}$ miles, and probably $1\frac{1}{2}$ miles from Ballantyne to Cote St. Luc.

BY THE CHAIRMAN:

Q Is that on a branch line or what would you call it?

A The Canadian National crossing at Ballantyne is on the L'Assumption sub.

Q I am thinking of the track over which this engine would pass from Turcot to Ballantyne?

A The L'Assomption Subdivision is not what we would call ~~main line~~, it is branch line^{it is main line} from there to Joliette.

BY MR. SINCLAIR:

Q Up to 1946, you had six engines --

A Up to 1943.

Q Up to 1943 you had six engines working without firemen in the Montreal terminal?

A That is correct.

Q Now, my question to you is have you been able to develop by looking at your records or through talking to officers who are now part of your officer corps who have actually worked with these engines, whether they were satisfactorily operated without firemen?

A They certainly gave very good service without firemen for those years. Just last week I was speaking personally to one of our master mechanics who told me that for two or three years he was assigned to the yard in Turcot on Engine 7750.

Q As engineer?

A Correct, and he said they found operations quite satisfactory. I think his words were, "Never got into any trouble that was not someone else's fault."

Q That is an engineman talking?

A That is right.

D.V.Gonder

Q What about the yardmen: did you talk to the yardmen.

A Yes, I was talking to one, our General Yardmaster at Turcot, who happened to be his drumming mate, as you call it.

Q That would be the yard foreman?

A Correct. He had worked for years and he said they never got into any trouble, it was quite a satisfactory operation and as far as they were concerned.

BY THE CHAIRMAN:

Q When did that operation end?

A In 1943, I think it was November.

Q By reason of a new agreement?

A By reasons of insistence on the part of the Brotherhood requesting a fireman.

Q Contractual arrangements?

A Yes sir.

BY MR. SINCLAIR:

Q In 1943. What Brotherhood was that, the Brotherhood of Locomotive Firemen and Enginemen that you are talking about in 1943 when you started to assign these men to diesel yard switchers.

THE CHAIRMAN: By "these men" do you mean firemen?

THE WITNESS: Yes: it was joint, by both the Brotherhood of Locomotive Firemen and Enginemen and the Brotherhood of Locomotive Engineers.

D.V.Gonder

BY MR. SINCLAIR:

Q Did you enter into an agreement that you would put firemen on your yard diesels?

A Yes sir.

Q Why did you enter into it?

A In the interests of industrial peace. As you know it was the height of the war years. We had held out for years against the requests even though on United States railroads a similar request was granted in 1937. Furthermore, there were only just these few locomotives involved at that time. It was a different situation altogether than to the present.

MR. SINCLAIR: I do not know if it is the intention of the Commission to take a break this afternoon.

THE CHAIRMAN: It is hardly worth while now. You are not going to finish with this witness, tonight, are you?

MR. SINCLAIR: I do not think so, unless the Commission would wish to go through. I certainly would not think we will be too long in the morning. I would say that I would not be any more than a half hour or three-quarters of an hour.

THE CHAIRMAN: I think we will use the rest of the day to usual time and perhaps you will be only 15 minutes in the morning.

MR. SINCLAIR: May be I can do it tonight if there is any advantage in doing it in 15 minutes, if the Commission would wish me to do so.

D.V.Gonder

THE CHAIRMAN: We will see.

BY MR. SINCLAIR:

Q Mr. Gonder, you made a number of trips recently on diesel locomotives in the Canadian Pacific, I think nine was the number to be exact; is that correct?

A I made several, yes.

MR. SINCLAIR: I should like to have these trip observations filed as Exhibit 161.

EXHIBIT NO.161: Memorandum of trips,
Mr. Gonder.

BY THE CHAIRMAN:

Q You were speaking of 1943 when you just had a few diesel engines or something of that kind. Do I understand correctly that those were all the yard diesels you had?

A All we had in the Montreal terminals. We had a few on the Grand Trunk Western. I could look that up for you, whether we had any elsewhere. There may have been one or two at Toronto but there were very few, if there were any, on Canadian lines at that time.

BY HON. MR. McLAURIN:

Q You said there were six at Montreal?

A Yes sir.

BY THE CHAIRMAN:

Q The ones you had in Toronto and elsewhere, where they staffed by firemen?

A That is what I would like to check, just to see if I have that.

D.V.Gonder

BY MR. SINCLAIR:

Q Looking at Exhibit 161, I think we can move through this fairly quickly. The first page is a memorandum of trip on train 2/493, Montreal to Cornwall. That would be a freight train, Mr. Gonder?

A Yes.

BY HON. MR. McLAURIN:

Q Are we to understand that these are trips that you made and in each case you rode in the cab of the locomotive?

A Yes sir.

BY MR. SINCLAIR:

Q You state this:

"At Cornwall there were 15 cars to set off and one crossing to cut. The 15 cars were at the head end and after ~~kicked~~ they were set out yard engine ~~ticked~~ on to the train two tank cars for Brockville. Engineman backed on to his train which had been placed in siding, and proceeded. I returned on No. 6 that evening.

Orders were read, and signals were called. For almost the entire trip the head end trainman was in the cab of the second unit."

Why was he there?

A In addition to the engineer and the fireman there was also the Master Mechanic and myself in the cab, which was quite adequate.

Q So you requested him to go back, did you?

A The Master Mechanic did.

Q Requested the head trainman to go back?

A Yes.

Q Into the second unit. You continue:

"At no time was there any work performed that could not have been performed by two instead of three headend crew members."

Page 2 is your observation of a trip from Montreal to Sherbrooke with diesel units 4903 and 4443.

BY THE CHAIRMAN:

Q What are they?

A 1,750 horsepower road switchers General Motors diesels.

BY MR. SINCLAIR:

Q You state:

"Crew claimed they had a short call; in any event it will be noted that they did not arrive until after diesels were due off the shop track. When we came to the engine about 9.35 a.m. there was no crew aboard, both engines were idling and crew showed up about 9.48 a.m. To all intents and purposes, all the crew did was take off the brake and proceed. Engineman Burns was badly affected by asthma and had to pause en route to the diesels to get his breath. Once in his seat, he had no trouble.

The fireman made a trip to the front

D.V.Gonder

end of the lead unit and to the second unit almost every half or three-quarters of an hour, being absent a minute or two. He also blew down the steam generator every 20 minutes or so. He called signals, read the orders, and checked the train from time to time. Head end Trainman Kelly rode the second unit throughout most of the trip."

Did the Master Mechanic ask him to go back to make room for you?

A Yes, and himself.

Q Any further comment on that page two?

A Other than the preparation. It was an exceptionally slippery day: it was wet, and no doubt that was really the reason why the crew could not get there on time. It was exceptionally slippery.

Q Did the fact that you moved right off affect the movement of the power over the road?

A Not in any way whatsoever.

Q Even though it was not checked by them before leaving?

A It was unnecessary.

Q It was unnecessary. The next one is the Dorval Switcher out of Montreal Terminals; was that a road crew?

A Yes.

Q That is a yard switcher, I take it, No.8465.

Would that be 660 horsepower. It says here it was a 660 horsepower ~~M.L.W.~~ switcher?

D.V.Gonder

A That is correct.

Q Anything in particular on this that you wish to draw to the attention of the Commission?

A This is an instance such as I mentioned a while ago where there was an extra man on the train crew. This job performs industrial switching mostly between Turcot and Lachine, and sometimes beyond, but there are occasions when they have to cross over on to the main line against the current of traffic, the other main line.

Q That is running against the current of traffic?

A And it requires extra flagging.

Q At the bottom of page 1 you say:

"On at least two occasions (one of them when switching Standard Railway Equipment Company siding) the fireman indicated moves which the engineman in his own judgment, after direct signals from the ground crew, countermanded or over-ruled. In one case the fireman called 'two more cars', and the engineer called back 'no further move here just yet.' On another occasion fireman indicated it was safe to move still farther but the engineer called that they were 'as far as we can go.'"

Then over on page 3A of the Exhibit I notice this:

"The movement to Lachine Wharf is round a long left-hand curve, and the lead into Liquid Gas and Bright's Wines is another left-hand curved track off the Lachine

D.V.Gonder

Wharf lead. Some signals were relayed from the ground crew through the fireman to the engineman, but there were no signals which could not have been given directly to the engineman if the ground crew had positioned themselves accordingly.

It was noted that at Dominion inside Dominion Bridge Company's plant, there is a small yard into which we put some cars and from which we took others.

Switching in the Dominion Bridge Company's plant and several other industries in this area is performed by Dominion Bridge Company's own 50-diesel-electric locomotive which operates without a fireman."

Then the next observation is on page 4 which concerns yard engine 8462, 1,000 horsepower, I note that you were on the engine for half an hour. Did you make further observations from the ground, Mr. Gonder?

A Yes.

Q On the work?

A Yes.

Q And that was taken into account in the notes that are shown on page 4 of this Exhibit?

A Yes. It pretty well speaks for itself.

Q I note that No.5 is another switching assignment on Canal Bank west side, on the same day. Here again how long were you on the engine?

A I did not keep a record of that. I was not on

D.V.Gonder

for a very long time. I would think at the most it would be half an hour.

Q Did you make observations from the ground of the movement?

A Yes. There was a limited movement while I was there. I had already made arrangements to go out on the road and I had to leave.

Q The next one is a freight train with a road switcher moving between Montreal and Joliette. What kind of territory is there between Montreal and Joliette on your line, Mr. Gonder?

A I cannot think of any territory that requires more vigilance and care than through St. Laurent.

Q That is why you made this trip?

A That was one of the principal reasons why I wanted to make this trip.

Q You do not know of any place where the conditions are more difficult?

A I cannot think of any.

Q I think your observations pretty well speak for themselves unless there is some particular point you wish to draw to the attention of the Commission?

A I do not think so.

Q No. 7 is the reverse trip Joliette to Montreal. Again I think it speaks for itself pretty well, except you make this note:

"8.15 P.M. Derailed rear truck of rear unit at Turcot Centre en route to shop."

D.V.Gonder

You are not suggesting that that was done by the fireman, are you?

A I checked to find out what it was before I left there. We did not definitely find the cause, although it was pretty obvious the points of the switch had moved over between the passage of the leading truck and the trailing truck of the second unit. It has subsequently been developed that the switch tender failed to put the locking hook in the switch stand.

BY HON. MR.MARTINEAU:

Q On page 8 you say:

"10.40 A.M. leave Turcot shop track.

Fireman gave signals verabally until coupled on to train. When coming on to switching lead fireman called 'hold it' as cars were moving foul on adjacent track. Yardman was protecting move at switch."

MR. SINCLAIR:

Q Then you have this note:

"1.07 P.M. alarm bell sounded -- hot engine on second unit. Fireman found shut-off valve closed in automatic pneumatic control for shutters. When same opened, hot engine corrected."

Then further down:

"Signals were called by all crew members"

Was that the fixed signals?

A Yes, sir, and block signals.

Q The fixed signals: you mean station train order boards?

D.V.Gonder

A Yes, and block signals also were called.

Q Then No.9, this was from Cantic to Montreal,
the reverse of the trip noted on page No.8.
In the last paragraph you say --

MR. LEWIS: Mr. Chairman, I realize that
we are not very technical in this kind of proceeding,
but surely --

THE CHAIRMAN: You think this is one place
where the hearsay rule might be applied?

MR. LEWIS: Surely there is a limit.
Mr. Gonder now puts in a report of what the engineer
told him what he thought the fireman might feel.
Surely there has to be some limit to the kind of
evidence which is admitted before any tribunal,
and I say that with great respect.

MR. SINCLAIR: I took the reports of Mr.
Gonder as he made them and I filed them. I
recognize the point.

MR. LEWIS: I am not blaming my friend.

THE WITNESS: May I be permitted to comment
to this extent and say that I made these for my
own information in the first instance.

BY THE CHAIRMAN:

Q And not to give as evidence here?

A That was not the primary intent of them.

BY MR. LEWIS:

Q What is that?

A That was not the primary intent of these. I
wanted to be sure I remembered what transpired
and I made these notes for my own use.

D.V.Gonder

BY THE CHAIRMAN:

- Q May I refer back to page 8 for a moment where you say:

"Alarm bell sounded -- hot engine on second unit. Fireman found shut-off valve closed in automatic pneumatic control for shutters. When same opened, hot engine corrected."

Is that correct?

- A There was no air to effect the automatic operation.

- Q The fact that there was no air was due to the fact that the automatic control for the shutters, that is to open or close the shutters was not operating.

- A There was no compressed air in the line because the valve in the line was closed instead of open.

- Q That was something that had been done in the shop before the engine came out?

- A I could not say, but it seems likely. They were working on it in the shop.

- Q Then I notice on page 6 you refer to the fact that these two road switchers had no dead man control. What is the ^{position} equipment on the Canadian National with respect to dead man control?

- A We have dead man control on all passenger units; we have some freight units equipped with dead man control, but most are equipped with the connections and quite a few have been disconnected and some are not equipped at all.

- Q What about yard switchers?

D.V.Gonder

A None that I know of are equipped. There may be a road switcher used in yard service for a while that would have it.

Q But not a yard switcher?

A Not a regularly assigned yard switcher, no sir.

--- The Commission adjourned at 4.00 P.M.
until 10.00 A.M., Wednesday, April 17.

**ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY**

30

PROCEEDINGS

DATE: April 17, 1957

PLACE: Ottawa, Ont.

PAGES: 4182 - 4237

VOLUME: 30

E. L. FEATHERSTON
SHORTHAND REPORTER
241 MANOR AVENUE
ROCKCLIFFE PARK
OTTAWA, CANADA

Mr. Hughes

ERRATA

Please make the following corrections
in the volumes and on the pages indicated.

Volume 9

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
✓1124	10	train are meant to be on	trains are made up on
✓1140	17	engine goes into a shed	engine goes into the shop
✓1140	22	crew foreman	yard foreman
✓1141	3	or he can give him a	or he can give him the
✓1141	18	going to batch	going to hump
✓1141	18	the crew foreman	the yard foreman
✓1142	2	are going to batch	are going to hump
✓1143	11	7638	7038
✓1147	12	the engineer	the yard foreman
✓1147	20	front seat	front step
✓1148	21	to the	to the hump
✓1148	25	throwing	going
✓1148	29	go up to the cars	go up to hump the cars
✓1151	24	to a clear track	through a clear track
✓1157	4	crew foreman	car foreman

ERRATA

Please make the following corrections
in the volumes and on the pages indicated.

Volume 28

<u>Page</u>	<u>Line</u>	<u>Now reads</u>	<u>Should read</u>
✓ 3886	12	pay with respect	pay, with respect
✓ 3887	7	non-operating union	non-operating unions
✓ 3887	8	operating union	operating unions
✓ 3887	27	non-operating organization	non-operating organizations
✓ 3890	10	March 18	March 15
✓ 3890	12	March 18	March 15
✓ 3896	7	where the agree- ment as in effect on	where agreements in effect as of
✓ 3897	16	non-operating union	non-operating unions
✓ 3904	17	found ourselves that	found ourselves, that
✓ 3904	19	operating units	operating unions
✓ 3904	20	non-operating units	non-operating unions
✓ 3913	2	is this kind of board	is a six man board
✓ 3913	4	those two fail	those fail
✓ 3916	9	watching rule; the	watching rule and the

Volume 29

✓ 4008	11	Exhibit No. 151	Exhibit No. 153
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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Wednesday, April
17, 1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship,	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C. C.J.A. Hughes, Q.C.	Representing the Commission
I.D. Sinclair, Allan Findlay	Representing the Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Wednesday,

April 17, 1957.

30th DAY

MORNING SESSION

--- The Commission resumed at 10.00 a.m.

D. V. GONDER, recalled

MR. SINCLAIR: At page 4152, Mr. Chairman, of Volume 29 of the transcript, that is yesterday's transcript, and the two or three pages following, Mr. Gonder was dealing with the Thousand Islands Railway and its situation legally.

BY MR. SINCLAIR:

Q. Mr. Gonder, is the Thousand Islands Railway under the jurisdiction of the Parliament of Canada and the Railway Act?

A. I find that the company owning the property is included in the term "Canadian National Railways" as defined by statute. I was in error on that point.

Q. It is subject to the Railway Act of Canada?

A. Yes.

Q. And under the jurisdiction of the Board of Transport Commissioners?

A. Yes.

BY THE CHAIRMAN:

Q. Is your contract with Mr. Lewis' clients not with the Canadian National Railways?

A. The contract governing the employees of the Thousand Islands Railway is completely separate.

BY MR. LEWIS:

Q. It is not with this Brotherhood?

A. It is not with this Brotherhood.

THE WITNESS: I obtained the other information, if I might mention it now, with regard to the diesel units in 1943. The six diesel units in Montreal were the only ones on the Canadian National Canadian lines.

MR. SINCLAIR: That was the other point I had in mind. I forget the page number of yesterday's transcript where it was dealt with.

BY MR. SINCLAIR:

Q. In the view of the Operating Department of the Canadian National, and in your own view are firemen required on road freight diesels for safety or efficiency?

A. No.

Q. Why, Mr. Gonder?

A. They do not perform any services that are not a duplication and an unnecessary duplication of what others do or what can be done ^{by} ~~other~~ members of the crew without adding to the burden of their responsibilities unduly.

Q. What are the views of the Operating Department of the Canadian National, and your views as to whether firemen are required on yard diesels whether switching in yards or in industrial work?

- A. The same is true in yard service.
- Q. Mr. Gonder, in your view, based on your observations and study and discussions with your officers, does the presence of a fireman on a yard or road diesel have any effect on the work and the manner in which the work is done by other members of the crew?
- A. It can have and in my opinion I think on occasion it does have an adverse effect. The presence of an employee, no matter how conscientious he may be, who has nothing to do is an irritant to the other members of the crew. Furthermore, when responsibility is divided among a number of employees rather than a minimum requirement of employees there is a tendency for alertness to be affected.
- Q. Now, Mr. Gonder, did the Canadian National, when the collective agreement was last opened for revision with the Firemen's Brotherhood, make any proposal regarding the assignment of firemen to diesels, or the diesel rule which is the same on your railway as Article XI(f) of Exhibit 1 of these proceedings?
- A. Yes.
- Q. What was the proposal?

- A. We proposed that the presence or employment of firemen in road freight service and yard service should be at the discretion of management.
- Q. What happened to that proposal?
- A. We withdrew it when we were negotiating with respect to the employees' demands last summer.
- Q. In view of the statement you have made to the Commission as to your views of the requirement of firemen on road freight and yard diesels, would you please tell the Commission why you withdrew it?
- A. We did not feel that we had our facts and our information in comprehensive and detailed enough form to adequately meet the situation at that time.
- Q. Mr. Gonder, as Chairman of the Negotiating Committee of the Canadian National and its chief spokesman on this matter, would you tell the Commission whether safety or efficiency of operating and the contribution by any fireman to them were considerations in your withdrawal of the proposal?
- A. So far as safety is concerned, we would never jeopardize safety for any such cause and it certainly was not a consideration. It was not because we felt there was any impairment of safety

that we withdrew that clause.

- Q. What about efficiency?
- A. The same; in so far as efficiency was concerned that was not a consideration either.

MR. SINCLAIR: Please answer my friend.

BY MR. LEWIS:

- Q. Mr. Gonder, what were the facts and what was the information which you did not have in adequate form last summer?
- A. Well, our experience indicates that for a case of this magnitude involving so many employees it requires a great deal of data and it needs to be properly assembled and it needs to be in comprehensive form and well organized.
- Q. Forgive me for putting it this way. Are you suggesting you made a proposal to remove all these people without having gone into your information and your facts to be certain of your proposal and to be able to defend it?
- A. We did not feel our position was indefensible at all, but we did not feel that we had the data secured in the way we wanted it secured.
- Q. Can it be possible you had some doubts in your mind as to whether your proposal

at that time was justified?

- A. There were no doubts in ^{my} mind at that time.
- Q. You just did not have the evidence with which to support the proposal which you had made last, what was it, February?
- A. Yes, I think it was February; about that time.
- Q. And you did not withdraw your proposal, if my memory of the file which I have read is correct, until June?
- A. That is right.
- Q. With all the facilities at the disposal of the Canadian National five months were not enough for you to gather all the information and evidence you required; is that what it is?
- A. The evidence had not been assembled.
- Q. Is it possible that some of your officers were not entirely in agreement with the proposal?
- A. I have not heard of any.
- Q. You have not?
- A. And I know them pretty well.
- Q. Did you make any investigation prior to putting the proposal forward?
- A. I do not quite get what you mean by investigation.
- Q. Discussions with your officers as to whether the proposal ought to be made.

A. Of course.

Q. You yourself discussed it with some of
the people of your railway?

A. Yes.

Q. Across the country?

A. I myself, across the country at that
time, no.

Q. Anybody else, to your knowledge?

A. When I say across the country, I mean
not with everybody in general across
the country. I did, naturally, with
some.

Q. You did discuss it with some?

A. Yes.

Q And you reached the conclusion that the proposal ought to be made last February?

A Last February -- oh, pardon me, I did not realize you were speaking of last February.

Q It may be my fault.

A I was not personally involved in the arrangements in February.

Q You mean you were not one of those who formulated the proposals?

A Correct.

Q That was formulated in your labour relations section, was it?

A It would be partially labour relations and partially operation.

Q But you do not know just who formulated it?

A Well, it is a joint effort. Any such effort as this requires the study of a number of officers.

Q You took, if I may put it rather strongly, the presumption to say what effect the presence of the fireman would have on the other members of the crew. Did you discuss it with other members of the crew on any train, on any engine?

A I cannot recall having personally discussed it with other members of the crew.

Q Your statement that the presence of the fireman on the diesel engine when, as you claim, he has nothing to do, is an irritant to other members of the crew is just your assumption then?

A I said I believe; it is my personal opinion.

Q Just your assumption?

A My personal opinion.

Q Well, an opinion, Mr. Gonder, if I may inform you -- I hope you are not an exception -- usually is based on some facts. An assumption may not necessarily be but an opinion is. I suggest to you that if you do not make any investigation you cannot have any opinion about it; you can only make an assumption, and that is your assumption, is it not?

A My opinion is based on my own reactions as a human being.

Q Your reactions?

A And observations. I have had considerable dealings with employees across our system for many years, Mr. Lewis.

Q But you have not discussed it with anyone?

A I cannot recall having specifically discussed this item with crew members, which you asked me.

Q And if some of your crew members appeared and said they wanted the fireman on board that surprise you?

A No.

Q I am talking now about trainmen and engineers, not firemen. It would not surprise you?

A No.

Q This tendency for alertness to be affected by a divided responsibility, have you had any evidence of that, Mr. Gonder?

A Again I speak of my personal reaction, and in this case I think it is safe to assume that most human beings have similar reactions. When one knows that he alone is responsible for an operation he tends to be more alert than if he knows that if he does ease up there is someone else who may pick up the slack.

Q Mr. Gonder, when did you first acquire diesels in any number?

A At the end of 1946 we had only 20 units in Canada.

Q Were they all in yard?

A Yes, at that time. At the end of 1949 we had 87 units in Canada, of which 79 were in yard. I can give the figures all the way down through. It depends on what you mean by "in any number."

Q If my note is correct, you said that at the end of 1956 you had, or some time in 1956, you had 1,025 units?

A That is correct.

Q For 1956?

A At the end of 1956.

Q Well, when did you have half that number?

A At the end of 1954 we had 523, of which 217 were switchers.

Q And that would mean, would it not, that you had some units, not an insignificant number of units in the yards and not an insignificant number of units on the road in 1952, 1953 and on? Would that be right?

A I would not regard it as insignificant when

we had up to 300 or more units.

Q That is what I thought. You had, in other words, several years of experience with trains on the road pulled or pushed, as the case may be, whether it is switching or running, by diesel engines and several years of experience of diesel engines in yards. In that experience have you had any reason whatever on the evidence of accidents or mishaps or any other kind of evidence to find that the presence of the fireman has in any way affected the alertness of your engine crew?

A I cannot recall anything specific from the files, no, Mr. Lewis.

Q Can you recall anything specific that anybody told you about it? It may not be in the files.

A You used the adjective "specific".

Q You used it, Mr. Gonder.

A Well, you did that too. You asked me that in the question.

Q That is right.

A And I cannot say specifically yes.

Q Have you made any investigation at all as to anything that firemen may have done over the years which averted accidents or sideswipes or anything of that sort?

A I have not made a close investigation of looking into every accident report to see whether or not a fireman was involved. Naturally in the movement of motive power when there is a fireman as a member of the engine crew there are bound to

be occasions when he is involved.

Q And would you not agree with me that there are bound to have been occasions when the fireman was able to alert the engineer about something and thereby save an accident or a life or an injury?

A That could well be answered by the negative, that there have been numerous occasions on which discipline has been assessed because he was not alert enough.

Q And your assessment of discipline because he was not alert enough would therefore prove that if he had been alert that thing might not have happened, the thing he was disciplined for?

A That is what we believed or he would not have been disciplined.

Q And the only events that would come to your attention or to the company's attention officially would be events where something did happen and an investigation took place? Is that right?

A Generally speaking, though there might have been some other cases come that did not come through the form of an investigation. I mentioned an incident the other day.

Q Which was what?

A The trip -- I think it was marked No. 8.

Q On the trip?

A Yes.

Q Where the fireman alerted about cars that were coming foul?

A. Yes.

Q. And you said something this morning, and knowing that you use words carefully, Mr. Gonder, I am sure the word had some significance, that the fireman was not necessary on the road, that there was nothing he did that the other members of the crew could not do without adding to their duties unduly. But you would add some to their duties? Is that right?

A. I would in some instances consider that there would be an addition to what they are presently doing.

Q. And the trainmen, for example, would have to learn some of the things that you have till now taught the firemen?

A. I did not mean that, Mr. Lewis. Let me give you an illustration. At the present time we have a number of places where an engine runs light from the shop track to the point it picks up its train with no one but the engineer and the fireman in the cab. If there was no fireman that duty could be performed by a trainman and it would not require any special training.

Q. Well, you teach the fireman certain things now, do you not, on his way to becoming an engineer?

A. Yes.

Q. In fact, you have something very similar to what the C.P.R. has, namely --

MR. SINCLAIR: Had.

MR. LEWIS: Well, as far as I am concerned

it still has.

BY MR. LEWIS:

Q You have something the same as the C.P.R. has.

I see you have it in your hand, something called Progressive Mechanical Examinations for Locomotive Enginemen and Helpers (firemen). Is that right?

A Yes.

Q First, second and third year, questions and snap answers.

MR. LEWIS: Mr. Chairman, I hate to impose on Mr. Gonder at this time but I think it would be of interest to the Commission to have this little booklet on file as an exhibit.

THE CHAIRMAN: All right. What is it?

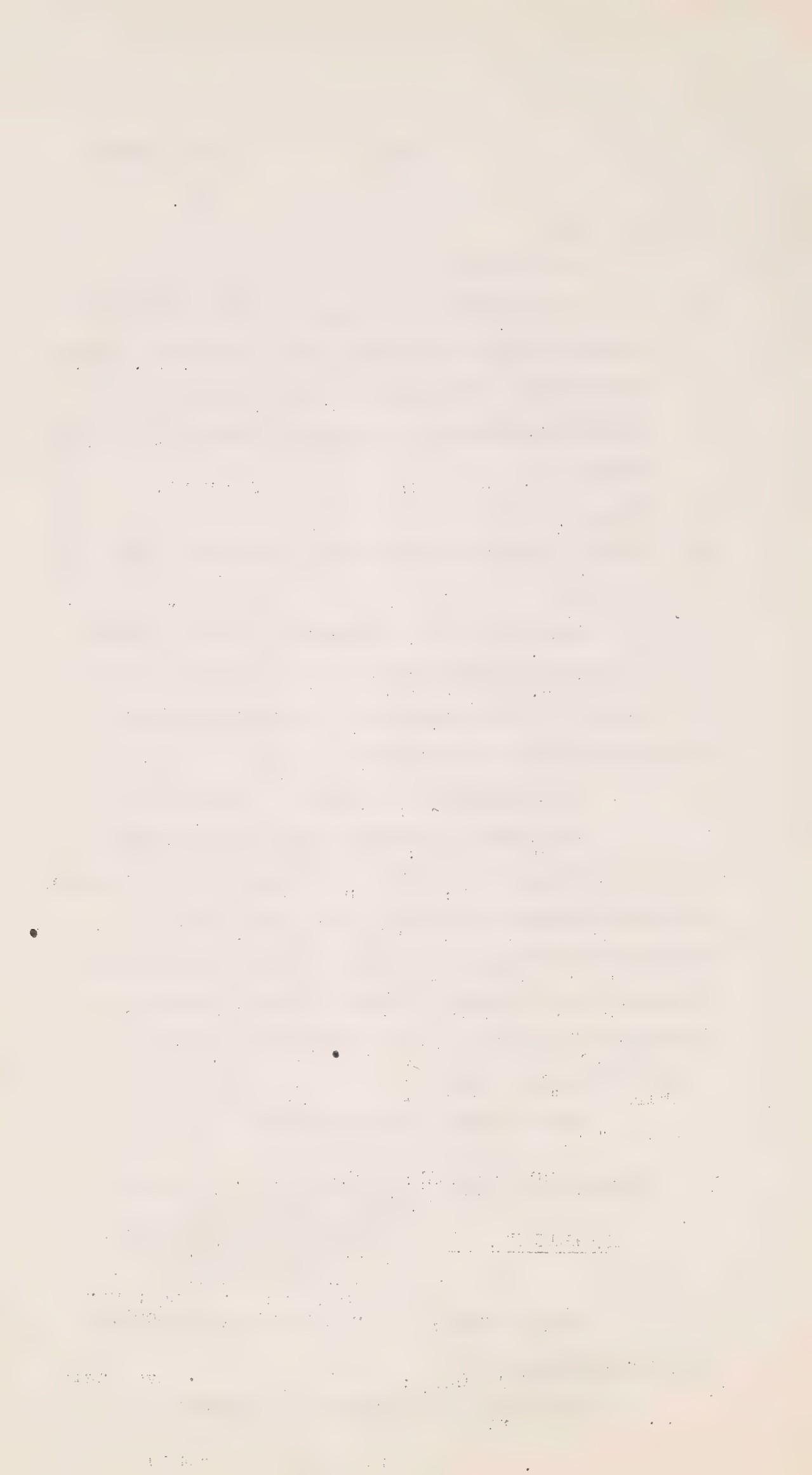
MR. LEWIS: I do not have enough copies. I will have to ask Mr. Gonder for them. It is Canadian National Railways Form 541, and it is called "Progressive Mechanical Examinations for Locomotive Enginemen and Helpers (firemen), first, second and third year", and what I have would appear to be issue "A", July, 1955.

THE CHAIRMAN: Exhibit 162.

EXHIBIT NO. 162 -- Canadian National Railways, Progressive Mechanical Examinations for Locomotive Enginemen and Helpers (firemen).

THE CHAIRMAN: Is it for locomotive enginemen and firemen?

MR. LEWIS: And helpers (firemen).



THE CHAIRMAN: Locomotive enginemen and helpers.

MR. LEWIS: And then bracket "firemen".

BY MR. LEWIS:

Q That is a reversal, Mr. Gonder. It is "helpers (firemen)" instead of "firemen (helpers)." Is that because this deals with diesels?

A Frankly, I don't know.

THE CHAIRMAN: What did you say the date was?

MR. LEWIS: July, 1955.

THE WITNESS: "7/55" is the form number.

BY MR. LEWIS: Form No. "7/55", and it is issue "A", July, 1955?

A That is the current issue.

Q If you would be good enough to look at the first year examination -- would you have an extra copy for the Commission?

A Q am sorry, I have not.

THE CHAIRMAN: We can follow it.

BY MR. LEWIS:

Q If you will look at the first year examination, question 9, for example, on page 101, the first page, is: "What is a diesel electric locomotive?" Then the answer gives a brief description of it. Right?

A Yes.

Q Then we have question 10: "What is a diesel engine", and then the answer gives a brief description of that. Question 11 discusses the

difference between two cycle and four cycle diesel engines?

A Yes.

Q These are all things which you teach the firemen now. Is that not right?

A Yes, they are required to know these answers.

Q And farther on you discuss with him what cycle engines you have in service on your railway?

A Yes.

Q And what furnishes the power for starting the engine and how the cooling system works and how the cooling system is filled and what should be done in case of a hot engine alarm and what precautions should be taken when doing certain things to the engine, and what trouble might arise with the lubricating oil and so on. Then we come to question 38 on page 103: "What are your duties when taking over a diesel-electric locomotive?" You list them, do you not?

A Yes.

Q Then I should like to read the answer. You say:

"(a) To check the work report of the incoming engineman.

(b) See that the locomotive is properly supplied with fuel, water, lubricating oil, supplies and signal appliances, spare fuses, tools and equipment.

(c) To check the position of all valves:

- (i) drain valves in cooling and heating system
 - (ii) lubricating oil system
 - (iii) the air system.
- (d) to see that main battery switches are closed in all units.

- (e) to see that the charging switches are closed in all units.
- (f) to see that full fire extinguishers are on each unit and to know how to use them.
- (g) to make visual inspection for water and oil leaks.
- (h) to see that there are no tools or materials adjacent to moving parts which might foul.
- (i) to check that air hose or steam couplings not in use are hung up in dummy couplings or other receptacles.

Note: Never use waste on a diesel locomotive."

These are the things that the fireman must know. This is the first year examination, so it would not be taken by the engineman, would it? it would be for the fireman?

- A It is required before a man can become an engineman.
- Q And it would be the first examination which is required, which, at the present time, means that the examination would be taken by the fireman.
- A The first mechanical examination.
- Q To be taken by the fireman?
- A That is right.
- Q In order for the fireman to perform all the duties I have read, and many of the others which are not in ~~hear~~, you have to teach the fireman what the engine is about, and what he has to do; is that right?

Mr. Gonder

A That is right.

Q And you would not have to teach these things to the trainman if the fireman was not there?

A No.

Q What would you do?

A Unless he was qualifying as an engineer.

Q Otherwise you would have no one to make these checks except the engineer himself?

A We would have these checks made by the shop staff or the engineman if required.

Q The engineman would have to make all these checks. To deal just with question 38 he would be doing more than he has been doing for a good many years.

A No sir.

Q Has he made all these checks himself?

A That is the present requirement of the engineman; wherever there is this first requirement of the engineman, what the engineman is required to do.

Q But, in fact Mr. Gonder the engineman delegates a good many of these things to the fireman, and has done so for many years. Is that not right.

A Exactly, and for that reason I used the word "unduly".

Q So he would be no longer able to delegate these things to the fireman and would have to do them himself?

Mr. Gonder

A If they were not already taken away from him, or if he was not already relieved of that responsibility by having been instructed that that duty had been performed by the shop staffs. We have not come to that place yet.

Q Your suggestion is the same as has been made by other witnesses, Mr. Gonder. You probably were not here at the time. You may require the engineer to take the engine off the shop track without assuring himself about all these things on the engine and having to assume that the shop staff has done it?

A There is getting to be less and less of the class of inspection, preparatory inspection required on behalf of the engineer.

Q Because you say that the shop staff does it?

A More and more devices are becoming fully automatic or as automatic as we can make them. Our experience is getting better and the shop staffs are getting better acquainted with these matters, and we can operate with those who are specially trained along the maintenance angle and who are able to perform the duties in such a way that little or nothing is left for inspection.

Q It just adds up to your suggestion that in that case the engineer has to take the engine off the shop track without assuring himself by inspection that everything is okay with the

Mr. Gonder

engine in so far as he can see.

A As I tried to imply a moment ago, we have not got to that place yet where we have taken such a stand, but it is under serious consideration.

Q Then, question 40 in this booklet is, "What routine inspection is the helper required to make during each trip?" That is not the engineman. Your question says, "What routine inspection is the helper required to make during each trip?" Question 40, page 104. And the answer is, "Such periodic examination of gauges, appliances and steam generator as prescribed by instructions, and the reporting of the necessary readings." Have you had instructions as to what inspections your helpers are to make?

A No -- you mean, in addition to these?

Q In addition to mechanical examination.

BY THE CHAIRMAN:

Q Instructions referred to in this question?

A Yes, from time to time there are instructions issued by Master Mechanics, for instance; Locomotive Foreman, perhaps.

BY MR. LEWIS:

Q And by superintendents?

A Yes: but generally speaking, anything of a technical character that would go to engine crews would go through the Master Mechanic or the road foreman of engines or locomotive foreman.

Mr. Gonder

Q You find such instructions issued by them?

A With respect to steam generators, for instance, yes.

Q With respect to other matters such as gauges and the appliances, routine inspection?

A There have been some instructions issued from time to time.

Q And this is still in force?

A Yes.

Q I come to your Thousand Island Railway, you may after this hearing is over have a grievance from the Brotherhood of Locomotive Firemen and Enginemen, but would you not say this is more of a yard operation than a road operation?

A Oh, yes.

Q I beg your pardon?

A I did not imply a road operation.

Q It is really a yard operation?

A Mostly a yard operation.

Q The pulling of cars from Gananoque Junction to Gananoque is the equivalent of transfer, and then there is yard switching and industrial switching?

A Roughly.

Q I could not get Prince Edward Island last night but I could get Gananoque, Mr. Gonder, and I was instructed by one of the engineers -- you only have two -- I understand, one day crew and one afternoon and evening crew?

A I think that is correct.

Mr. Gonder

Q I was instructed by one of the engineers to whom I spoke, Mr. Lloyd, to give you the name, that there is always a second man in the cab with him in this yard operation. Do you know about that?

A That is not in line with the information I was given.

Q Do you know whether there is a Mr. Saunders who is what you would call a head end trainman who is on Mr. Lloyd's tour of duty?

A I do not know the names of the personnel.

Q Would it surprise you to know that this Mr. Saunders who you call a head end trainman is a qualified engineer on the Thousand Island Railway and is in fact the relief motorman during the summer when the two engineers employed the rest of the year take their holidays?

A Well, with due respect to Mr. Saunders I would say this is an indication of the simplicity of the operation of an engine of that character.

Q In what respect does it prove that, Mr. Gonder?

A Well, it would seem that he did not need to take as an extensive examination as this to qualify.

Q I understand, Mr. Gonder, whether it is in line with the rules or the laws or anything, I have not had time or inclination to inquire, but I understand that this great railway of 4.6 miles does not require any examinations for an engineer.

A I would think not, sir.

Q Therefore, Mr. Saunders is as qualified as Mr. Lloyd or Mr. -- I forget the name of the other man that

Mr.Gonder

I was given --

A I would not say he as qualified; I personally do not know their individual qualifications.

Q Subject to your checking, this Mr. Saunders is the man who sits on the left side of the cab with Mr. Lloyd, and as he is a qualified engineer, and relief engineer in the summer -- assume that information to be correct, Mr. Gonder -- do you think I would have a pretty strong case for suggesting to you that he is more like a fireman than a trainman, a fireman who is a class engineer?

A I do not know what firing duties he would have.

Q Not any more than a fireman on a diesel engine on the C.N.R. main run has?

A Agreed.

Q You know what I am talking about?

A Agreed.

Q And he is more like him, I would suggest to you, than a trainman?

A More like that fireman than a trainman?

Q Yes.

A My information was to the effect that when they were switching at Gananoque there is a good deal of switching performed with a motorman and a conductor, and I fail to see how that can be performed with the conductor in the engine at the same time as the motorman.

Q I did not suggest the conductor was in the engine, Mr.Gonder. My instructions are that the crew

Mr. Gonder

is a crew of three, the engineer, the trainman-fireman on the lefthand side of the cab and a conductor --

A One of us is either misinformed or has insufficient information, but my information is that the crew that goes on duty, I think it is at 6.30 in the morning, consists of one motorman and one conductor and that they switch at Gananoque before going to Gananoque Junction and they go to Gananoque Junction with no more crew than that.

Q Mr. Gonder, -- let us make this clear -- Mr. Lloyd is on the second shift --

A I do not know the names of the personnel which goes on.

Q Would you know the hours. He informed me he goes on at 3.30 or 4.30 in the afternoon?

A I think the afternoon shift is 3.30.

Q Perhaps you will check it and be good enough to let Mr. Sinclair know so that he can put in a memorandum?

A I shall check with the people on the ground.

Q I am sure when you get more information it will be accurate.

A I am quite sure any information I have submitted is as accurate as I could make it.

Q I am sure it is, Mr. Gonder. I was just showing that the information which was given to you was different from the information which I received from Mr. Lloyd. I think perhaps we ought to have the full information.

Mr. Gonder

A I will be glad to arrange a memorandum, sir.

Q Now, yesterday, you made this statement, according to my notes. I have only seen the transcript this morning and I have not looked it up. In your opinion it was better to have one signal direct than a signal going through the fireman, and that there would be less possibility of error if that were the case.

Do you remember saying something like that?

A That is right, something like that.

Q If I may make this comment, Mr. Chairman, I have no quarrel with that. I think that obviously is logical, but I would like to ask you this. If your suggestion is also, as it was, that you could frequently do away with the need for using a fireman as a signal passer by bringing the rear end crew up and you did not reduce ^{the} / number of relays of the signal, did you?

A In the total number of signals that have to be given and the total number of passing, if I may use that term, you would certainly reduce them if all that you possibly could give were given direct. I think that is all I said.

Q You mean in every case where it could possibly be given it would be given direct to the engineer?

A Should be.

Q Correct me, if I am wrong, frequently the fireman is used as a signal passer for reasons of convenience, you say, because the head end trainman does it himself: a few cars have to be set off, so he pulls

Mr. Gonder

the pin or he throws the switch on the left side, if it happens to be on the left side, and those other things, instead of waiting for the rear end crew to come up so that they can position themselves on the engineer's side: he gives the signal to the fireman, the fireman to the engineer and away they go.

Is that right?

A I would prefer to use the word "occasionally" rather than frequently.

Q I want to make it clear when I said "frequently" I meant on the occasions when it arises that is frequently the reason for it happening?

A Yes.

Q If you pull the rear end crew up, which is the suggestion made by you, then you are not reducing the number of signal passers?

A Not in this instance.

Q Is that not relatively so in all instances where the fireman is used as a signal passer?

A Where the fireman is used as a signal passer, it should be only when it is necessary.

Q And it is necessary, either because the rear end crew does not come up to form part of the signal passing crew or because physical clearances and so on make it impossible to pass signals to the engineer, is that not right?

A I do not know just where those occasions are, where you have to have signals given from the left-hand side, where the crew, whether they come up from the rear or whether they are already on the head end or whether they are on the ground, in yard or industrial switching, cannot position themselves so that one of them, other than someone in the cab on the left-hand side, is within direct view of the engineer.

BY THE CHAIRMAN:

Q I thought this whole subject -- the impression I got was that your statement was it was preferable that the engineer should receive the signal directly and not from the fireman was so that he should see, that is, the engineer, should see the signals being given rather than be told by someone else that a signal had been given?

A I did not use that term because sometimes the fireman does give the signal by hand.

Q That is what was in my mind when you were giving that evidence because that certainly has been the evidence of other witnesses who put it on that ground. You go ahead, Mr. Lewis.

BY MR. LEWIS:

Q What I am suggesting to you, Mr. Gonder, is that in some instances where signals are now given through the fireman, and I agree that they are not the general practice, let us have that clear, in instances where signals are now given through the fireman, I am suggesting to you that by eliminating the fireman you will not reduce the number of signal passers but you will, in many cases, increase that number?

A I do not know of any instance where it would increase the number.

Q If you say that, I must put an instance to you. You have a train of 60 or 70 cars being pulled and you reach a siding or a station where you want to set off 15 cars. The 15 cars are the cars nearest to the engine. Assume the curvature is such that signals have to be given on the fireman's side if given by one person. Frequently, you correct me if I am wrong, it is the practice, is it not, for the head end trainman to pull the pin at the end of the 15 cars and for the conductor and rear end trainman to remain in the caboose instead of walking up 50 or 60 cars, and when the head end trainman pulls the pin, he can give the signal only to the fireman on the fireman's side, and so he does and the fireman relays the signal, and away they go?

I suggest to you that your solution is that the conductor and rear end trainman come up, that the head end trainman wait and that having three people they will so position themselves that in spite of the left curvature they can then give signals directly to the engineer; that is your suggestion, in that case, is it not?

A If it would be necessary for three to give the signals under those circumstances, it would be necessary for three to give them at the present time. I do not see how it

would require any more.

Q Mr. Gonder, if the curvature is to the left it is frequently possible, is it not, for one man to give the signal, one man on the ground to give the signal to the fireman?

A I do not see why one of the train crew could not position himself, if necessary, on the engine within view of the engineer. It would not make any more total employees giving signals.

Q Your suggestion there is that one of the rear end crew would come up, one of the train crew would get in the place where the fireman now is or in a place adjacent to it, and then you would also be giving signals from the left side?

A I confess I find it difficult to visualize the situation you are trying to describe. It must be an unusual one.

Q You find it difficult to visualize a situation where you have curvature to the left, unless you station three men some distance away from the curve on the right, how only one man would be needed to give the signal and he could only give it to the left side?

A As I understood your question, it was, if there was not a fireman there to relay the signal it would require an extra man over and above the present crew to relay

that signal to the engineman -- perhaps I misunderstood your question.

Q Not over and above the present total crew.

A That is the way I understood your question.

Q What I meant was one extra signal passer over and above the head end trainman and fireman who now pass signals to the engineman; you would have three of the train crew instead of one passing signals?

A I do not know why it would be necessary, rather than two.

Q But two only if one of the train crew takes the fireman's place; that is what you have in mind?

A He does not have to position himself exactly where the fireman was, but within view of the engineman.

Q He could be on the top of a car or on the steps or any other such location?

A Yes.

Q Yesterday you gave a number of cases where the engineer waited for the direct signal from the ground instead of accepting a signal relayed by the fireman?

A I have seen that.

Q Were you referring to one of the cases given in your Exhibit No. 161?

A Not only those; those were not the only occasions when I have observed that, Mr. Lewis.

Q I had one question on this exhibit, Mr. Gonder. Did you explain yesterday, I have not had a chance to check the transcript, page 3 of your Exhibit 161, the third paragraph from the bottom reads:

"Shortly after leaving the yard, as the diesel engine was warming up, the fireman was sent out to open up the radiator shutters."

First, who sent him out?

A The engineer.

Q Secondly, why did he?

A Because the shutters needed to be open to let the air in to cool the engine, they are manually operated.

Q Was it because there was danger of a hot engine or something?

A I would not say there was danger. They noticed from the gauge that the temperature had risen.

Q So he sent the fireman out to manually operate the shutters?

A Yes.

BY THE CHAIRMAN:

Q Are these the shutters or the doors?

A This is the shutters for admitting air to the radiators.

Q Are they not automatically operated?

A Not on these diesel switchers; this was a diesel switcher.

BY MR. LEWIS:

- Q They are not automatically operated at all?
- A No, sir, I said not on these diesel switchers.
- Q You correct me if I am wrong because I am finding it very difficult to learn all about these things.
- A So do I, Mr. Lewis.
- Q My understanding was that in many cases they do operate automatically, but adjustments can be made manually if something goes wrong?
- A We have most of our radiator shutters in road power automatically operated now.
- Q But even in the case of automatic operation, if something goes wrong, my understanding was that some adjustment could be made manually and is made manually when necessary?
- A I think so.
- Q But this was not that instance?
- A This was not automatic shutters.
- Q This had no automatic shutters at all?
- A That is right.

BY THE CHAIRMAN:

- Q Was the engine stopped when this took place?
- A I cannot recall, sir. At no time was the movement more than 10 or 15 miles an hour. I think the engine was stopped, but I am not sure, sir.

BY MR. LEWIS:

- Q Have you any idea whether the proportion of

defects in your diesel engines has been increasing or decreasing as the years go by?

A Decreasing, definitely, on a mileage basis.

Q What do you mean by "a mileage basis"?

A On a unit mile basis.

Q What is the unit mile basis? I still do not follow it?

A If you had 1,000 units instead of 10 units, you could expect more failures, more defects, and so forth, but you have to multiply the number of units in service by the miles they operate and then relate your engine failures or whatever the comparison is you are making to that total.

Q You have made such studies?

A I do not have any such figures with me.

Q We have filed here as Exhibits Nos. 50 and 136, the 1954 and 1955 reports of the Board of Transport Commissions.

MR. SINCLAIR: Could Mr. Gonder have a copy?

MR. LEWIS: Yes.

MR. SINCLAIR: Exhibit 136 is the I.C.C. report.

THE CHAIRMAN: No.

BY MR. LEWIS:

Q If you look at page 61 of the 1954 report --

A Yes.

Q You see that Canadian National locomotives

inspected, at page 61 of Exhibit 136, is
829, and the number of locomotives defective
is 102?

A I must have another copy -- Exhibit 136,
page 61?

Q Yes?

A Oh yes, 829; excuse me.

Q. That means that there is roughly about one-eighth of the locomotives that were defective, somewhere around 11 per cent?

THE CHAIRMAN: That is arithmetic and I suppose you do not need assent for that?

THE WITNESS: Roughly one-eighth of the locomotives inspected.

BY MR. LEWIS:

Q. Something under one-eighth of the locomotives inspected were found defective. If you look at page 77 of Exhibit 50, you will find that there were 1150 Canadian National locomotives inspected and 284 of those inspected were defective?

A. That is correct.

Q. If my arithmetic is not too far out, that is about one-quarter rather than one-eighth of the locomotives inspected found defective?

A. I would say your arithmetic is pretty good.

Q. Therefore, the proportion of defective locomotives in 1955 was twice the proportion in 1954?

A. On the basis of those figures, which would require analysis before comment.

Q. Those figures are supplied by your company to the Board?

A. I would presume that these would be inspections by the Board rather than

Canadian National inspections.

Q. At page 77 of Exhibit 50 and at page 61 of Exhibit 136, Mr. Gonder, the defects are set out and classified in each case. Your early training and I am sure your later experience in the mechanical and operational fields would permit you to recognize what they are?

A. You are speaking now about Statement No. 13?

Q. I must in fairness point out something which perhaps my friend is going to remind me of, that this is not broken down by railroads. Apparently it is the total number of defects in each category?

A. Which I was just going to mention.

Q. Therefore you cannot make an analysis?

A. Frankly I could not make an analysis at all. A great deal depends on the inspector too.

Q. You mean as to what he reports and what he does not?

A. As to how sharp his eyes are and his knowledge.

Q. I suppose how likeable he is to the local management?

A. I would not say that, not if he was a good inspector, as the Board's are.

Q. My final question. In view of your

earlier statements, supported by one of your observations in Exhibit 161 that the fireman may have in the past averted some mishap, how can you state so positively under oath to this Commission that the removal of the helper on the diesel engine will not have any effect on safety?

- A. Because I do not know of any instance where the duties that the fireman is performing are not a duplication of the duties of others.
- Q. In yard service?
- A. Yard service.
- Q. When the ground crew may be occupied in places where they may not see the track in the direction in which the engine is going?
- A. The engine should not move, the engineman should not move the engine if he cannot see where he is going, and if he sees the yard crew occupied or improperly occupied and not giving him the signals he needs, he should stop.
- Q. Your suggestion therefore is that in your view -- limiting it to the yards for a moment -- you can so position your yard crew that the look-out which is necessary on the left-hand side of the engine can be maintained by one of the members of the yard crew; is

that what you are suggesting?

A. I do not quite get that, Mr. Lewis,
I am sorry.

Q. Would you agree with me that a look-out
on the left-hand side of the engine is
necessary in yard service, as in any
other service?

A. In yard service. It depends of course
on which way the engine is faced and so
forth. The engineman can very often
see as much on the left as he can on
the right.

Q. If the engine is faced a certain way?

A. Yes.

Q. But if the engine is faced the other
way?

A. Yes.

Q. When the engine is faced in such a way
that the cab is coupled -- that is what
you have in mind -- to the cars, would
you agree then that a look-out on the
left side is needed because the engineer
cannot see?

A. That could be covered by the ground crew
properly positioning themselves.

Q. Let us take it in steps, if you do not
mind. My question was: Do you agree
a look-out on the left side is needed in
that situation because the engineer
himself cannot see without assistance

from somebody?

- A. I am sorry, but the qualification must be as to what is the situation in each specific instance.
- Q. I do not want to take too long if I can do it more shortly. You will agree with me that there are occasions in the yards -- without going into any detail -- where the engine is so placed that the engineer cannot have a view of the left as well as a view of the right? You will agree with me on that?
- A. Yes.
- Q. I am asking whether you would not also agree with me, following from that, that it is necessary to have someone, whether it is the fireman or someone else, act as the engineer's eyes on the left side, in that situation?
- A. Yes.
- Q. And your suggestion therefore is that if you removed the fireman from the yard engine in that situation you would get one of the ground crew to be the eyes on the left side for the engineer?
- A. As he should be now. He should so position himself that the engineman can see him and yet so position himself as to have direct contact with the other members of the ground crew so that the

movement is adequately protected.

Q. You think that can be done in every case in the yard?

A. I do not know of any case where it cannot be done.

Q. To have someone on the right side?

A. Someone on the right.

Q. In spite of the fact that the fireman may have -- let me be fair -- through the years been of assistance in avoiding accidents; in spite of that, you are still ready to say that firemen are not necessary for safety, for the reasons you have just given?

A. Yes.

Q. For example -- Mr. Chairman, if you will permit me to put a hypothetical question based on something I have been instructed upon -- supposing you had a yard switchman who was working lining up a switch and he was ahead of the engine in the direction in which the movement was to take place; he had lined up his switch and given a signal to the fireman, in this case, because they did that since the fireman was still there; then the movement started and the switchman slipped and fell on the rail on the left side and the fireman called to the engineer to block her, which the engineer did.

Have you heard of such an instance happening?

- A. I cannot recall any specific instance, but I would say this, first of all, that the switchman was unwise in that he did not position himself so that he could be seen by the engineman and be in a safe position on that account. He should not have stepped on the rail or he would not have slipped. The engineman if he was wise, would not have moved the engine until he saw that switchman.

- Q. I suppose you would agree with me that a good many accidents happen, in fact most of them, because people are not as wise as you have now theoretically laid out?

- A. I do not think we can provide a guardian angel for every employee.

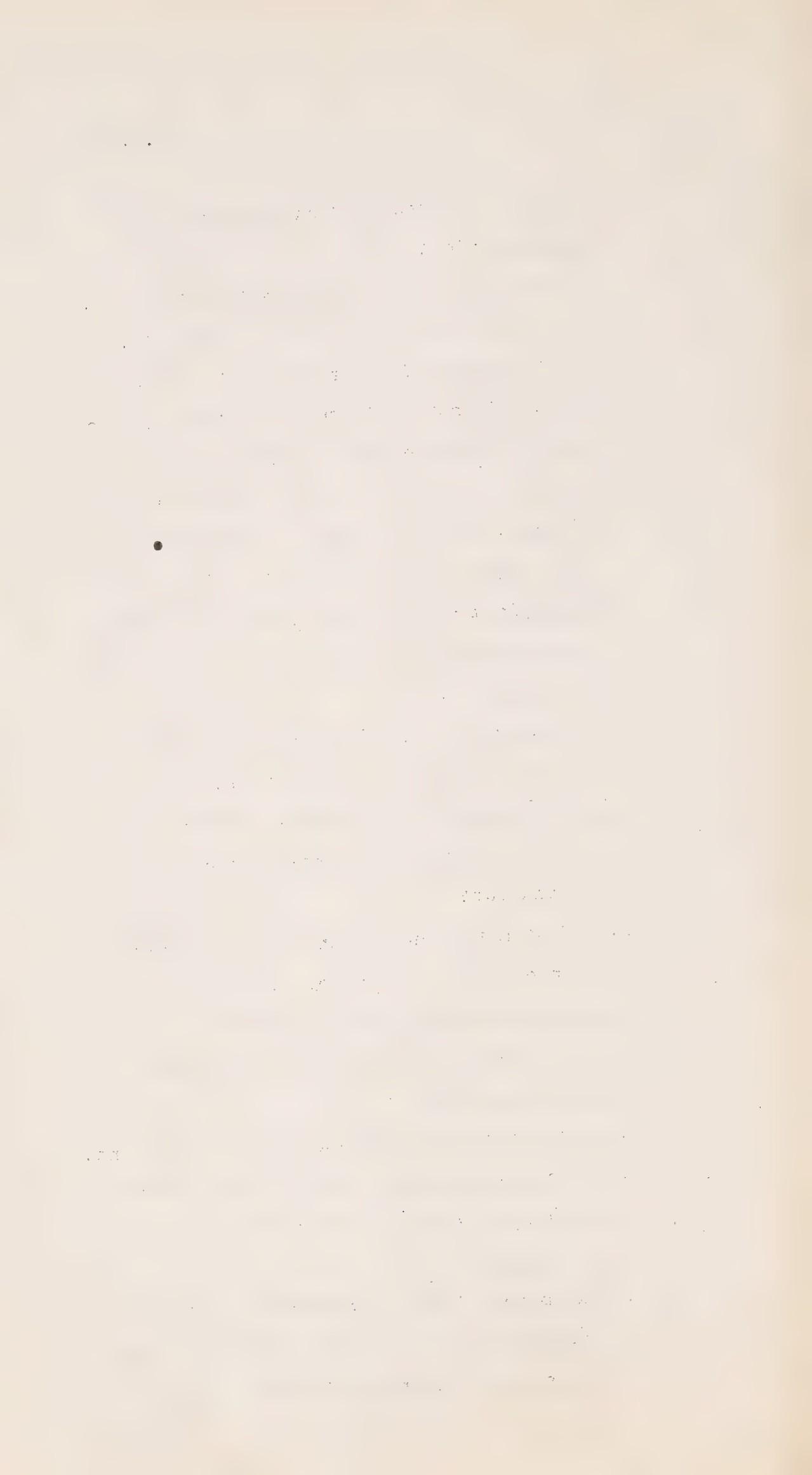
- Q. And accidents do happen because very frequently people make wrong judgments about something?

- A. Accidents usually happen on that account.

- Q. They happen because people do not always observe the rules as they should?

- A. Yes, usually.

- Q. I am certain that you yourself as well as your railway are very concerned about safety, and I am putting to you this



question: If accidents happen because people sometimes make errors in judgment and because sometimes people do not observe the rules, would you agree with me that they are as likely to occur after the fireman is gone as well as before?

A. Yes.

Q. And that the absence of the fireman on the left side of the engine in those circumstances would necessarily increase the hazard?

A. No. I am as sincere in this as I can possibly be. We have assistance from people who are not even railway employees in that they see things from time to time and help us.

Q. Do you mean that that would take the place of the person who has a duty?

A. No.

Q. In that connection?

A. Safety is not affected. There is no increase in the hazard.

Q. In your opinion?

A. No.

MR. LEWIS: Thank you, that is all.

MR. SINCLAIR: I have no re-examination.

BY THE CHAIRMAN:

Q. Mr. Gonder, take this situation. A yard switcher is operating with what we call the engine or the engineroom in front of the movement. The movement up to that time has been in connection with cars attached to the cab end. Your ground men have up to the time that I am talking about not been right at the front of the engine, they have been on the ground, we will say, or beside the engine or further back. The locomotive now proposes to move forward. From what you have said would you say that there should be no forward movement in that situation in the yard without somebody being in front of the engine or in such position that he could see what is happening in front of the engine between the rails and for a reasonable distance on each side; is that your view?

A. If the engineman cannot see that himself.

Q. Of course if the engineman is on the right side and pushing the locomotive with the engine forward, even on a straight track there is a certain distance in front of the locomotive

he cannot see by reason of the angle?

A. That is right.

Q. He cannot see the left rail although perhaps he can see the right rail?

A. That is right.

Q. Is it your view that the locomotive should not move forward unless there is somebody on the front end of that movement who can signal to the engineer and who can see both rails? Do you say that.

A. Employees working in yards are required to expect the movement of engines on any track at any time in any direction, and it is not the responsibility of the engineer under such circumstances to think that there might be somebody at the left front corner of his engine which is out of his view. If he can see the track ahead is clear and he has a signal to proceed, he can do so without an additional signal.

Q. But where you have people in the yard who are not employees, people who have business there, truck drivers and other people?

A. They could only be on team tracks or something like that; they should not be trespassing on our property.

Q. They are on team tracks; could not

you have a forward movement as I have illustrated on a team track or any other track?

A. I am quite sure that all movements on team tracks are adequately protected by some other member of the ground crew being right there to see there was no one in the way.

Q. That is the accepted practice?

A. Absolutely, the required practice.

Q Do passenger trains of any kind ever have occasion to do switching?

A Pick up express cars, set off express cars or coaches from time to time, yes, Mr. Chairman.

Q And that would involve the train crew in addition to the two men in the cab in the case of a diesel engine?

A Yes, there are conductors and trainmen in the passenger consist.

Q Now, in connection with your formulation of your view which resulted in your proposal to the union to dispense with firemen, did you give consideration or did you not to having dead-man control on yard engines?

A Not on yard engines.

Q Why not?

A We do not consider it necessary. We have operated yard engines for years, as indicated in my previous evidence and as we now operate them with 44-ton switchers, and the movement is not fast enough to warrant having that protection.

Q Well, even in a slow movement -- these cases are rare, of course -- suppose the operator was incapacitated and the engine was moving. What then?

A The collision would be minor in character if a collision occurred because of the slow speed of operation.

Q Well, can you predicate that? The movement

might proceed out onto a main track and involve a collision that would be serious? Is that possible?

A There might be such a situation set up. I could not say it is impossible but I have not heard of one.

Q No, because at the moment you have two men in the cab and if one is incapacitated the other can stop. I am talking about a situation where there is only one man in the cab of a yard engine. In these unusual situations could that engine not move itself into a position on the main track or next to the main track or something, a busy track?

A It would not be impossible but the switch must have been lined if that is the case for the main track or one would expect a derailment.

Q Well, I suppose we are supposing you might have that situation.

A A derailment?

Q No, where the switch was lined so that the yard engine could get itself in the way of something coming on a main track or main lead or something of that kind?

A If the switch was lined for the main track that would indicate that there was nothing coming or they would not have lined the switch to permit the movement of the yard engine out on the main track.

Q So that you would say that in these situations,

which must be rare, the yard engine could never get out of the yard and the damage would only be damage to rolling stock or something of that kind?

A I would not say it could not but it would be -- I have never heard of that happening in all the many years of experience. Again, of course, we do not have too large an operation with only one man but I think it is a most remote possibility, sir.

Q Very good.

MR. SINCLAIR: I have nothing more for Mr. Gonder but there are some matters I have to deal with. I think this would be the best time to deal with them so that the material may be available for my friend during the recess when I am sure he is going to be working on this material. The first will be Exhibit 163. I should like to file as Exhibit 163 an analysis of the Canadian Pacific proportion of defects on locomotives other than steam for the years 1954 and 1955, reported by the Board of Transport Commissioners inspectors, page 61 of the 1954 annual report and page 77 of the 1955 annual report of the Board of Transport Commissioners.

THE CHAIRMAN: Those are the exhibits just mentioned, Exhibits 50 and 136.

MR. SINCLAIR: Yes, and they were dealt with as far as the Canadian Pacific was concerned by my friend, Mr. Lewis. This is the breakdown and the information we have got as to what is

behind each of these.

THE CHAIRMAN: All right.

MR. SINCLAIR: The exhibit consists of five pages of detail, first 1954 and then 1955, and a summary on the front.

EXHIBIT NO. 163 -- Canadian Pacific proportion of defects on locomotives other than steam, 1954 and 1955.

MR. SINCLAIR: I think it will be unnecessary to have the mechanical man deal with this because these pages demonstrate the types of defects and indicate why Mr. Woodland, who dealt with this matter, gave the evidence he did.

MR. LEWIS: Do I understand or is my guess right that these details were taken from the inspectors' reports to the Board of Transport Commissioners?

MR. SINCLAIR: When a board inspector finds a defect he makes a demand, as it were, on the company to rectify it, to do something to offset it, and then we on the Canadian Pacific or on Canadian railways generally have to follow through by reporting that anything brought to our attention has been rectified, and this is all this material.

MR. LEWIS: From the railways' records.

MR. SINCLAIR: That is right, and also checked against the board's situation through their chief inspector, taken off the actual form and

checked back with the board's report.

Additional data was requested by Mr. Lewis at page 3550 regarding yardmen, how many had under three years, how many had under two years and how many had under one year. We filed Exhibit 12 and Exhibit 12-A. With your permission, Mr. Chairman, I would suggest that we file as Exhibit 12-B this further information dealing with yardmen. First we had engineers and then firemen and trainmen and now we have yardmen.

EXHIBIT NO. 12-B -- Statement as to yardmen with under three years, under two years and under one year's service.

MR. SINCLAIR: Information was also requested by Mr. Lewis, as found in volume 19, pages 2471 and 2472, as to fires in diesel locomotives from the time we received road power until the present. This analysis covers the period from January 1, 1950 to March 31, 1957, and I would suggest that it be filed as Exhibit 164. It is entitled "Fires in diesel locomotives", is from January 1, 1950, to March 31, 1957, and it is for the entire Canadian Pacific system.

EXHIBIT NO. 164 -- Statement as to fires on diesel locomotives from January 1, 1950, to March 31, 1957.

MR. SINCLAIR: Then, Mr. Chairman, at your request --

THE CHAIRMAN: This is a new exhibit, 165?

MR. SINCLAIR: This will be Exhibit 165 if you wish to have it filed as an exhibit, sir. This was a request you made to me to take Mr. Woodland's evidence as to protective devices and see if I could put it down in tabular form. This I have done and I have had it checked by Mr. Woodland as to its accuracy.

THE CHAIRMAN: What is it called?

MR. SINCLAIR: It is a tabulation consisting of two sheets. The first sheet is headed "Basic Protective Devices, All Diesel Units", and on the second sheet there is a tabulation headed "Additional Signals on All Types and Manufacture" in the first group and "Specialty Protective Devices, Some Manufacturers" in the second group. That request to me and the discussion is found in volume 24, page 3230.

EXHIBIT NO. 165 -- Tabulations showing basic protective devices, all diesel units, additional signals on all types and manufacture and specialty protective devices, some manufacturers.

MR. SINCLAIR: There is one last point. It is a very small one and I do not intend or need to file an exhibit. This was a request by Mr. Lewis to Mr. Fraine. It had to do with whether the engineman's name was Jardine or Compte on train 951 on February 20, 1957. Mr. Fraine mentioned that he thought he had been introduced to

a man by the name of Jardine and Mr. Lewis' information was correct. It was engineman Compte.

THE CHAIRMAN: You are still missing one exhibit. You were going to prepare a statement of the various types of locomotives and the numbers and descriptions.

MR. SINCLAIR: I have that mostly done, sir. I got myself a little mixed up in the first draft. My advisers told me I was not right so I am doing it over again.

THE CHAIRMAN: Very good. Then we will adjourn until Monday, May 6, at 10 o'clock.

--- The Commission adjourned at 11.25 a.m. to resume on Monday, May 6, at 10 a.m.

17.
BOSTON, MASS., NOV. 21, 1890.
Dear Sirs,
I have the pleasure to inform you that we have
arrived at Boston, and will remain here until
the 25th inst. We have been unable to get
any information concerning the steamer "Cape
Horn" which left New York on the 18th inst.

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BINDING SECT. APR 21 1972

